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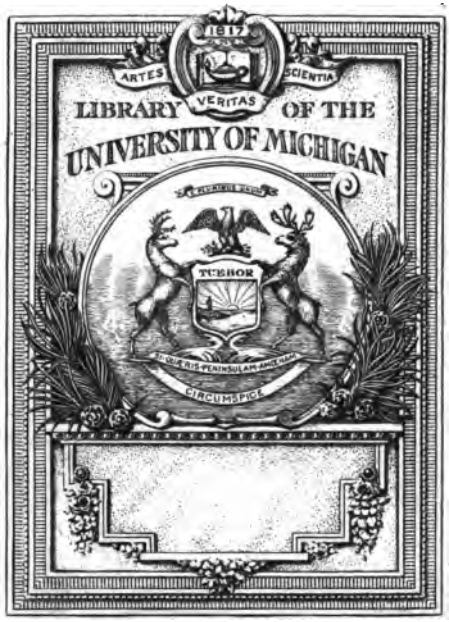
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THE

TRIAL

OF

JOHN HORNE TOOKE,

FOR

High Treason,

AT THE

SESSIONS HOUSE IN THE OLD BAILEY,

ON

Monday the Seventeenth, Tuesday the Eighteenth, Wednesday the Nineteenth, Thursday the Twentieth, Friday the Twenty-first, and Saturday the Twenty-second of November, 1794.

VOL. I.

TAKEN IN SHORT-HAND,

By JOSEPH GURNEY.

LONDON:

SOLD BY MARTHA GURNEY, BOOKSELLER, HOLBORN-HILL.

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THE

TRIAL

OF

JOHN HORNE TOOKE

FOR

HIGH TREASON.

SESSION HOUSE IN THE OLD BAILEY.

Monday, November the 17th, 1794.

PRESENT,

Lord Chief Juſtice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Juſtice GROSE;
Mr. Juſtice LAWRENCE;
And others, his Majeſty's Juſtices, &c.

Counſel for the Crown.

Mr. ATTORNEY GENERAL,
Mr. SOLICITOR GENERAL,
Mr. Serjeant ADAIR,
Mr. BEARCROFT,
Mr. BOWER,
Mr. LAW,
Mr. GARROW,
Mr. WOOD,
Mr. PERCIVAL.

Solicitor.

JOSEPH WHITE, Eſq; Solicitor for the affairs of his Majeſty's Treaſury.

Counſel for the Priſoner aſſigned by the Court.

The Hon. THOMAS ERSKINE,
Mr. GIBBS.

Aſſiſtant Counſel.

Mr. DAMPIER,
Mr. FELIX VAUGHAN,
Mr. GURNEY.

Solicitors.

Meſſrs. GEORGE and ROMAINE WILLIAM CLARKSON, of Eſſex-ſtreet.

10-18-51 mtb

John Horne Tooke ſet to the bar.

MR. TOOKE. My Lord, I deſire, as neceſſary for the purpoſe of my defence, that I may quit the ſituation in which I at preſent ſtand, and be placed near to thoſe Counſel which the Court have aſſigned to me for my aſſiſtance in my defence.

Lord Chief Juſtice Eyre. That is an indulgence which I have hardly ever known given to any perſon in your ſituation.

Mr. Tooke. I am perfectly aware that it is unuſual, but I beg your Lordſhip to obſerve, that every thing in the courſe of theſe proceedings is likewiſe unuſual. I beg your Lordſhip to conſider, that the proceedings upon the laſt trial will fill, as I am well informed by the ſhort-hand writer, ſixteen hundred cloſe printed octavo pages. That trial laſted nine days, eight days trial, and one day between. The nature of the indictment is ſuch, that it has been impoſſible for me to gueſs what would come before your Lordſhip; it has been equally impoſſible for me to inſtruct my Counſel; they cannot know the paſſages of my life; and, from what I have ſeen of the laſt trial, the whole paſſages of my life, and thoſe which are not paſſages of my life, but are only imputed to me, will be brought before you: how is it poſſible for my Counſel to know thoſe particular facts which are known only to myſelf? If ever there was a caſe where indulgence was fit to be granted it is this; yet your Lordſhip will forgive me for ſaying, that I claim it as my right by law, and do not aſk it as an indulgence.

Undoubtedly I mean to ſhew no diſreſpect to any one at this time, when it is my intereſt to conciliate all; but I cannot help ſaying, that if I were a Judge, that word *indulgence* ſhould never iſſue from my lips. My Lord, you have no indulgence to ſhew; you are bound to be juſt, and to be juſt is to do that which is ordered; what is not ordered I ſhall not aſk, and your Lordſhip cannot grant; but if you have any doubt that it is my right by law, to be placed in that ſituation which is beſt adapted for me to make my defence, I ſhall deſire to encounter the learning and ability of the Attorney and Solicitor General. I claim to be placed by the ſide of my Counſel, for the purpoſe

poſe of making my defence; and I hope your Lordſhip will believe that, when I ſay this, I am not ſo fooliſh as to deſire to give you, or any perſon in the Court, offence, when it is ſo ſtrongly my intereſt to pleaſe you all.

My Lord, it is not for a ſmall ſtake that I ſtand here—it is to deprive me of my life, to beggar my family, to make my name and memory infamous to all poſterity; ſo deep a ſtake as that may very well overſet my underſtanding; it is very well known that the beſt gameſters, when the ſtake is too deep for them, play the worſt; I hope that will not be my caſe: and I hope and truſt, if your Lordſhip permits me to ſit near my Counſel, that I ſhall prevent a great waſte of time to the Jury, your Lordſhip, and myſelf; for, I am certain, I ſhall make it impoſſible for the proſecutor to make any caſe againſt me that ſhall call upon me for my defence.

I come here from a very cloſe cuſtody of a whole ſummer, and a whole autumn; I have not, any more than your Lordſhip, many ſummers or many autumns to ſpare; that cuſtody has been attended with many degrading and many humiliating circumſtances; and ſome inhuman circumſtances, at my age, and with my infirmities; it has, in ſome meaſure, impaired the health and the ſtrength of my body; I come to you but half a man; your Lordſhip will expect a whole defence, and I do not doubt but that I ſhall give you a whole defence, provided you furniſh me with the neceſſary means of doing it.

Lord Chief Juſtice Eyre. Mr. Tooke, you have been furniſhed with that which the law conſiders as the neceſſary means to enable you to make your defence; you have had Counſel aſſigned to you; they have had, or might have had, acceſs to you at all ſeaſonable hours; that is what the law allows you. You have taught the Court not to uſe the word *indulgence*; and you have pointed out to them their duty, that they are to give no indulgence. I am apprehenſive that it would be conſidered as an extraordinary indulgence if the Court were now to do that which you aſk, becauſe that is not done to other priſoners, it was not done to another priſoner, who went immediately before you, who had the ſame ſtake that you have, nor is it done to all other

priſoners who do come to this bar; and, therefore, the Court are not permitted, without doing injuſtice to others, to grant that which you aſk upon the ground upon which you aſk it.

But you have mentioned another circumſtance that is extremely material, and which will, in my mind, warrant the Court to do that which you think they ought not to do, to indulge the priſoner. You have ſtated the condition of your health, and that in the place in which you ſtand your health will ſuffer, the Court has no deſire to put you under any difficulties, they wiſh that you ſhould be enabled to make your defence in the beſt way imaginable, and if the ſituation in which you ſtand is really likely to be prejudicial to your health, and, therefore, likely to diſable you from making your defence in the manner you might otherwiſe make it; I ſhall put it to my Lords to conſider whether you may not be indulged with that which you have now aſked.

Mr. Tooke. The Court will forgive me only for ſaying that if on the footing of indulgence the Court ſhall not think it fit to grant what I aſk, I hope I ſhall not after that deciſion be barred from my argument upon it as a point of law.

Lord Chief Juſtice Eyre. You muſt ſtate your whole caſe upon any matter that ariſes at once; the propoſing it firſt in one ſhape, and then going on to ſtate it in another, is carrying us on without end; if you mean to argue this as a point of law, to be ſure we are ready to hear you.

Mr. Tooke. I beg your Lordſhip not to miſunderſtand me, I did ſo mention it at firſt, and did aſk it not as an indulgence; if your Lordſhip will be pleaſed to recollect, I did mention, that if there were objections I ſhould then argue it in point of law, thinking that I am well entitled to it by the principles, by the letter, and by the practice of the law. I did not mean to change my ground, I beg your Lordſhip will be pleaſed to recollect I excluded the idea of indulgence; I did not mean to take firſt one ground, and then another; but I thought it poſſible I might ſave the time of the Court; therefore, I left it to your Lordſhip to collect the ſenſe of the Court, even upon the ſcore of health, which your Lordſhip mentions to ſave time, and not

to

to waſte the time. I underſtood very well that after a deciſion I ſhould not be permitted to argue it, therefore, I mentioned that, but not to change my ground; and, therefore, if your Lordſhip ſhould find upon the ſcore of what you call indulgence, I ſuppoſe in a different view of the word than I am accuſtomed to take, I rather underſtand that your Lordſhip means you are willing to grant it me upon the ſcore of my health; in that caſe I do not deſire to waſte the time of the Court; provided it is granted to me, I am very happy, and ſhall be glad to avoid the argument, if your Lordſhip will be only pleaſed to give me ſome intimation of your opinion.

[*The Lord Chief Juſtice conſults the other Judges.*]

Lord Chief Juſtice Eyre. Mr. Horne Tooke, I have conſulted my Lords the Judges, who are preſent, they feel themſelves extremely diſpoſed to indulge you on the ſcore of your health, they think that it is a diſtinction which may authorize them to do that in your caſe, which is not done in other caſes in common; they cannot lay down a rule for you which they would not lay down for any other man living; but if your caſe is diſtinguiſhable from the caſe of others, that does permit them to give you that indulgence which you now aſk.

Mr. Tooke. I am very much obliged to your Lordſhips, and am very well content to accept it as indulgence, or any other thing. Undoubtedly it is very acceptable to me, and very neceſſary for my health. I am glad to ſave the time of the Court.

[*Mr. Horne Tooke removed to the Inner Bar.*]

Mr. Shelton, the Clerk of Arraigns, called over the Pannel.

Major Rhode, Eſq. not a freeholder.
Charles Digby, Eſq. challenged by the priſoner.
Matthias Dupont, Gent. challenged by the crown.
Nathaniel Wright, Eſq. not a freeholder.
Hugh French, Eſq. not a freeholder.
William Harwood, Eſq. challenged by the crown.
James Mitchell, Ropemaker, not a freeholder.
Philip Godſal, Gent. Coachmaker.

Mr. Erſkine. I mean to challenge Mr. Godſal, but not by a peremptory challenge, I mean to challenge him for cauſe.

Lord Chief Juſtice Eyre. What is your cauſe?

Mr. Erſkine. A declaration made by Mr. Godſal, which I underſtand, we are in a condition to prove; and if it is proved, I am ſure your Lordſhip will not for a moment conceive that he is fit to ſit as a Juryman upon this Trial: a declaration made by him not very lightly neither; upon the ſecond day of the Trial of the perſon who was acquitted in this place, that if he were upon the Jury, he would hang every one of the Priſoners.

Lord Chief Juſtice Eyre. If your prove that, it will certainly diſqualify him.

Mr. Erſkine. Call James Berry.

James Berry, Sworn.

Examined by *Mr. Erſkine.*

Q. What are you?

A. A Clerk at the Oracle Office.

Q. Do you know Mr. Philip Godſal?

A. I do not know him perſonally, unleſs I was to ſee him.

Q. Look round; do you know that gentleman?

A. I cannot ſay that I recollect his perſon.

Q. Did you ſee any perſon who called himſelf by that name?

A. A perſon who I underſtood was of that name.

Q. How did you underſtand that?

A. By being told that that gentleman's name was Godſal.

Q. But you cannot ſwear to his perſon?

A. No.

Q. Who told you that his name was Godſal?

A. A young man who was preſent at the time.

Q. Who is that young man?

A. Mr. Harman.

Mr. Attorney General. Where does Mr. Harman live?

A. At Mr. Bell's.

Q. Did Mr. Harman know you were coming here this morning?

A. No;

A. No; I did not know myſelf till this morning.

Q. Did you know what you were coming here about?

A. I was told by Mr. Clarkſon when he ſent for me.

Q. Did you mention this thing to any perſon after you had heard it?

A. Yes.

Q. To whom?

A. To a Mr. Brown.

Q. Where does he live?

A. I do not know; I was in company with him; I think he lives in Blackmoor-ſtreet, Clare-market, but I am not certain.

Q. When were you ſent to to attend here this morning?

A. I received a note laſt night, when I came home, from Mr. Clarkſon, requeſting me to call upon him this morning.

Q. You called upon him then?

A. I did.

Q. Did you inform Mr. Clarkſon that Harman was the perſon who told you it was Mr. Godſal?

A. I did not.

Q. Did you inform Mr. Clarkſon that you did not know Mr. Godſal?

A. I told him I had never ſeen him before.

Mr. Erſkine. But you thought you ſhould know him again?

Mr. Godſal. I think my character ought to be vindicated in this matter, and that man ought to be puniſhed for bringing this matter againſt me.

Berry. What I ſaid I am willing to ſwear to; I do not know how it was repreſented to the Court before I came in.

Mr. Attorney General. You are Clerk to Mr. Bell's Oracle?

A. Yes.

Q. Are you a member of any of theſe Societies?

A. No.

Mr. Erſkine. Then I muſt peremptorily challenge Mr. Godſal.

James Haygarth, Eſq. ſworn.

Mark Hudſon, Eſq. challenged by the priſoner.

John Mandell, Gent. not a freeholder.

Henry Bullock, Brewer, challenged by the crown.

John Powsey, Carpenter and Surveyor, challenged by the priſoner.

George Capes, Eſq. not a freeholder.

Thomas Rhodes, Cowkeeper, excuſed on account of illneſs.

Richard Croft, Banker.

Mr. Croft. My name is Thomas, I am ſummoned by the name of Richard.

Hugh Ronalds, Eſq. challenged by the priſoner.

Edward Antrobus, not a freeholder.

Thomas Harriſon, Cowkeeper, ſworn.

John Leader, Gent.

Mr. Leader. My Lord, I have a violent cold.

Lord Chief Juſtice Eyre. I will excuſe you for the preſent, but you muſt not go away.

John Gueſt, Eſq. excuſed on account of illneſs.

Adam Steinmetz, Biſcuit Baker, excuſed, having ſerved on the Trial of Thomas Hardy.

Robert Hawkins, Coal Merchant, excuſed on account of age.

Robert Kilby Cox, Eſq. challenged by the priſoner.

James Payne, Eſq. challenged by the crown.

John Mercer, Mealman, excuſed, having ſerved on the Trial of Thomas Hardy.

John Rixon, Cooper, challenged by the crown.

Thomas Sayer, Eſq. excuſed, having ſerved on the Trial of Thomas Hardy.

Richard Carter, Eſq. excuſed, having ſerved on the Trial of Thomas Hardy.

Thomas Matthews, Eſq. not a freeholder.

Edward Hale, Gent. ſworn.

George Fillingham, Hopfactor, challenged by the priſoner.

William Perry, Eſq. challenged by the priſoner.

Richard Gough, Eſq. excuſed on account of illneſs.

Thomas Skipp Dyott Bucknell, Eſq. challenged by the priſoner.

Edmund Jennings, Eſq. not a freeholder.

George Sewell, Gent. not a freeholder.

Nathaniel Stonard, Brewer, excuſed, having ſerved on the Trial of Thomas Hardy.

Samuel Provey, Eſq. not a freeholder.

Thomas Allen, Brewer, challenged by the priſoner.

John Baker, Eſq. challenged by the priſoner.

Samuel Pullen, Gent. challenged by the priſoner.

James Smith, Eſq. challenged by the priſoner.

Bryan Marſhal, Gent. excuſed on account of illneſs.

Joſeph Nichol, Gent. Farmer, excuſed, having ſerved on the Trial of Thomas Hardy.

David Roberts, Eſq. challenged by the priſoner.

Thomas Smith, Eſq. challenged by the priſoner.

John Charrington, Eſq. excuſed, having ſerved on the Trial of Thomas Hardy.

Thomas Allen, Eſq. challenged by the priſoner.

Andrew Burt, Eſq. challenged by the crown.

Charles Smith, Diſtiller, challenged by the priſoner.

George Goſling, Eſq. and Banker.

Mr. Goſling. I have been ſummoned to attend; I do not live at Twickenham, nor am I a banker; there is a gentleman at Twickenham who is a banker of the name of Goſling, but his name is not George. I am a proctor in the Admiralty.

William Nicoll, Farmer, challenged by the priſoner.

Edward Franklin, Farmer, excuſed on account of illneſs.

Michael Henly, Coal Merchant, challenged by the priſoner.

Edward Champion, Eſq. not a freeholder.

Francis Jenks, Gent. not a freeholder.

Joſeph Anſlie, Eſq. excuſed, having ſerved on the Trial of Thomas Hardy.

John Maſhiter, Wharfinger, challenged by the priſoner.

John Liptrap, Eſq. challenged by the priſoner.

Theophilus Pritzler, Sugar Refiner, not a freeholder.

Charles Turner, Sailmaker, not a freeholder.

John Harriſon, Gent. challenged by the priſoner.

John Battye, Eſq. challenged by the priſoner.

David Durehiz, not a freeholder.

James

James Stephens, Eſq. challenged by the crown.

James Crane, Eſq. challenged by the priſoner.

Rice Davies, Eſq. challenged by the priſoner.

Cecil Pitt, Eſq. excuſed on account of age.

Iſaac Lucas, Eſq. not a freeholder.

Thomas Draine, Brewer, ſworn.

Arthur Shakeſpear, Eſq. challenged by the priſoner.

John Jenkinſon, Eſq. not a freeholder.

James Sheredine, Eſq. challenged by the priſoner.

John Mayhew, Eſq. challenged by the priſoner.

Emanuel Goodheart, Sugar Refiner, challenged by the priſoner.

Mathew Whiting, Sugar Refiner, ſworn.

Caſtin Rhode, Eſq. not a freeholder.

Chriſtopher Richardſon, Timber Merchant, excuſed on accout of illneſs.

Jonathan Eade, Eſq. challenged by the priſoner.

James Keene, Grocer, challenged by the priſoner.

John Butts, Eſq. not a freeholder.

Thomas Cockington, Eſq.

Mr. Cockington. My name is James.

Henry Goodwin, Eſq.

Mr. Goodwin. I am deſcribed in the ſummons as living in Saint Catherine's; I do not live in Saint Catherine's, but in Lower Eaſt Smithfield.

John Peter Blaquire, Eſq. challenged by the priſoner.

David Dean, Cheeſemonger, challenged by the priſoner.

Norriſon Coverdale, Ropemaker, ſworn.

Robert Mairis, Gent. ſworn.

William Cooke, Eſq. ſworn.

Charles Pratt, Miller, ſworn.

Thomas Druce, Stationer, not a freeholder.

Thomas Maude, Eſq. not a freeholder.

James Shrapnell, Silverſmith, not a freeholder.

Benjamin Bradbury, Gent. not a freeholder.

Chriſtopher Metcalfe, Eſq.

Mr. Metcalfe. I do not live at Bromley, in the county of Middleſex,

Middleſex, as I am deſcribed in the pannel, but at Weſt-Ham, in Eſſex.

John Thompſon, Brewer, not a freeholder.

Thomas Lewis, Eſq. not a freeholder.

Nathaniel Allen, Ship Chandler, not a freeholder.

Edward Hill, Gent. challenged by the priſoner.

Cam Farmer, Gent. excuſed on account of illneſs.

James Crompton, Paper-hanging-maker, excuſed on account of illneſs.

John Lovett, Gent. not a freeholder.

John Peavey, Cooper, not a freeholder.

Thomas Gildart, Eſq. challenged by the priſoner.

Mr. Shelton, my Lord, I have gone through the pannel, and there are but nine Jurors ſworn.

Lord Chief Juſtice Eyre, Call over the defaulters.

Mr. Shelton called over the defaulters, when Henry Purrier, Eſq. appeared.

Mr. Purrier, My health will not permit me to ſerve on this trial.

Mr. Erſkine. My Lord, this is a gentleman of whom I know nothing; and if it is your Lordſhip's ultimate judgment that he ſhould ſerve upon the Jury, I ſhall be perfectly ſatisfied; but I ſhall ſubmit this to the judgment of the Court. We have expended all our challenges. In the courſe of our challenges different gentlemen made excuſes, which they ſubmitted to the conſideration of the Court; and your Lordſhips, with your uſual juſtice and indulgence, let them be excuſed. It was not poſſible for my learned friend or myſelf, as Counſel for the priſoner, to know what number of the inqueſt would appear, nor what number that did appear would be diſqualified for want of freehold, or what number would be diſqualified for want of health, ſo that we were under the neceſſity of acting as appeared beſt at the moment; *non conſtat*, that we might not have choſen to challenge this gentleman, rather than ſome others that we have challenged. No man certainly, in his ſenſes, would waſte a challenge, which is given upon ſo awful an occaſion as a capital caſe; and having only thirty-five challenges

out

out of a pannel conſiſting of above two hundred Jurors; with a priviledge in the Crown alſo to challenge thoſe whom we might not be diſpoſed to challenge. I repeat again, that no man in his ſenſes would throw away a challenge upon a Juror who had diſqualified himſelf, who had claimed an indulgence of the Court, and was in the courſe of receiving it; therefore, your Lordſhips obſerve that I go on and take my challenges.——

Mr. Attorney General. You may wave any one of your challenges, and challenge this gentleman if you pleaſe.

Mr. Erſkine. This is rather extraordinary; what, I am to wave a challenge I have made, and take a gentleman whom I have already challenged? I rather would wiſh to appeal to the practice of former times, than to offer to your Lordſhip any conſtruction of my own upon the ſtatute; but I cannot conceive a more hard caſe than it will be upon the priſoner, if he is, after a certain number of Jurors are empannelled, and are now in the box, to be called upon to retract a particular challenge. My application to your Lordſhip is, that the Crown ſhall now, to prevent the inqueſt being untaken, be called upon to aſſign, in the language of the ſtatute, cauſe for their particular challenges.

I will take it another way---when the Crown aſſigns no cauſe, your Lordſhip ought to take it that there is no cauſe; and although the indulgence of the law to Engliſh ſubjects who are accuſed and ſtanding upon trial for their lives allows them, without any cauſe, if they feel any thing in their own mind that they cannot expreſs---if even they ſee in the countenance of the perſon ſomething they do not like, the indulgence of the law allows a peremptory challenge---the indulgence of the law allows no ſuch challenge to the king; undoubtedly the conſtruction which the judges have put in other times upon that is, that the inqueſt ſhall not therefore remain untaken; and in this caſe your Lordſhip is placed in this predicament---either you muſt decide that, notwithſtanding the infirmity of the Juror, which leads him to aſk your Lordſhip's indulgence, he ſhall, nevertheleſs, be put into the box, and ſerve upon the trial; or, that

your

your Lordſhip ſhall call upon the Crown to ſay, whether there be any foundation for their challenges.

Suppoſing that this ſhould happen in another caſe, (and your Lordſhip will recollect, that if I am over-ruled in this I muſt be over-ruled in all), and that the Jury muſt, therefore, be filled up with perſons in the predicament I have already alluded to, in this moſt extraordinary ſpecies of trial, which no man living, I will venture to ſay, can foreſee the duration of, or the inconvenience that the health of individuals, even ſtrong men, may endure in the courſe of the trial. I truſt your Lordſhip will certainly think yourſelf bound rather to call upon the Crown to aſſign the cauſe for their challenges, than go to the other alternative, of obliging a gentleman in ill-health to ſerve. I beg to be underſtood that I ſay this without the ſmalleſt objection in the world to the gentleman who now ſtands before the Court, and if your Lordſhip over-rules the objection, as far as relates to him I ſhall undoubtedly be ſatisfied.

Mr. Gibbs. The nature of our objection, as I conceive, is this---The priſoner is entitled to his challenges to all thoſe who are on the pannel, in the order in which they ſtand on the pannel; and it may be, that thoſe gentlemen who, when called, were excuſed for the preſent, may be perſons whom the priſoner would rather have challenged than thoſe that followed.

Mr. Purrier. I believe I can ſave the Court ſome trouble; I have laboured under a complaint that makes it impoſſible for me to ſerve on this trial. At the time of Hardy's trial I could not have ſtaid in the Court five minutes; for if I had ſtaid longer than I did, I ſhould have been carried out with at leaſt a ſuſpenſion of all my faculties; I am ſure of it, from the ſenſation that came over me. I was once very near fainting at the Aſylum, and in fact I am ſo in all crouded places. This is a fact I could have brought ſufficient teſtimony of.

(*Mr. Purrier ſworn upon the voir dire.*)

Lord Chief Juſtice Eyre. Your ſtate of health is ſuch that you believe yourſelf to be incapable of going through the fatigue of this trial?

Mr.

Mr. Purrier. I verily believe it.---I am ſure of it.

Lord Chief Juſtice Eyre. You are excuſed.

Mr. Tooke. I do not mean to argue with your Lordſhip and the Counſel, but I find myſelf compelled to tell your Lordſhip that I ſhould, if I had not been over-ruled by the ſuperior judgment of my Counſel, have contended very early againſt the challenges of the Crown. The 33 Edward III. completely bars what they have done, although I know that ſubſequent judicial deciſions have permitted the Counſel for the Crown to challenge, without ſhewing their cauſe, until the pannel is gone through; the pannel is now gone through of perſons in health. However, I ſhould not now have addreſſed you if I had not a further reaſon.---My Lord, I hope that I ſhall be the moſt infirm man in this Court, becauſe I feel much more anxiety for the preſervation of the criminal law and practice of the land, than I do for any hazard that attends me upon this trial.

My Lords, I have been in this caſe, and I dare ſwear that your Lordſhips have, and the Jury too---that when I have intended to travel a long-accuſtomed road home to my own houſe, ſome ſudden diſtraction of the thought has made me inattentive to the paſſage; when I have come to myſelf, and my attention has returned, I have obſerved that there were not thoſe objects, the houſe, the gate, the ſtile, or the gap I had been accuſtomed to ſee, and inſtantly I have recollected that I muſt be out of my road; then I have ſtopped, and have gone back, becauſe the accuſtomed ſucceſſion of objects did not occur. The ſame thing happens upon theſe proceedings; ſee where we are; nine days upon a trial—the Jury paſs and return day after day without clean ſhirts, unſhaved—the Judges quitting the Court, and returning again and again—a queſtion put upon what ſhall be done, in this ſtrange and unknown caſe, for the Jury—no queſtion put what ſhall be done for the Judge. An Engliſh Jury, fairly and impartially taken, I have always believed to be as incorruptible, and as little likely to be tampered with, as any Judge whatever; the Judge is compelled to ſtay as well as the Jury; if the Jury go unſhaved and unſhirted, ſo muſt the Judge; it is true, that when the Jury retire from the

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Court somebody goes with them as keepers; the Judge is likewise in custody upon the bench, and the eyes of every person in Court are his keepers.

My Lords, upon this occasion every part of the criminal law and practice of this Country is totally destroyed and gone; for if the Crown, with the monstrous range of influence that it has now, superior to what it ever had at any other time---if the Crown, with the influence it has upon the officers who make the pannel, together with every other influence that I will forbear to mention,—if the Crown should take the advantage of a practice found fault with, I remember, by Williams, in a particular case, where he said, it is true, such things have been suffered at the time that small pannels were returned, but you have returned to me now upwards of a hundred; and there are returned in this case two hundred and twenty-eight, the proportion of the power of the Crown in such returns as this is exceedingly great; for with thirty-five challenges, if they returned seventy, the Crown would only have an equal share, or perhaps not so much; but to allow the Crown an unlimited challenge out of two hundred and twenty-eight, when the prisoner can only challenge thirty-five——My Lords, look back, see what is become of your criminal jurisdiction; if you do not, as in the common affairs of life, see that succession of objects to which you have been accustomed---My Lords, stop, turn back, you must be in the wrong road. The glorious structure of the English criminal law is such, that you cannot take out a stone but the whole must come tumbling about your ears; it must tumble now if this practice is allowed. I for myself hope that no infirm gentleman shall be taken upon this Jury, because I had rather die where I stand than consent that the Jury and the Judge shall quit this place till the cause is gone through. I do therefore beg that the Jurors may be men in health, that they may not suffer in doing their duty, but that I may be the first victim. The law never intended that the crime of High Treason, which ought to lay in the palm of your hand, should take up five days in the proof; therefore I beg your Lordship will be so good as to let me die in this place, rather than that

the whole criminal law and practice of this Country ſhould be deſtroyed; I beg that no infirm man may be upon my Jury, and that your Lordſhips will turn your thoughts to the ſituation into which this Country is brought---that you will ſtop, and turn back, and get into the right road.

Lord Chief Juſtice Eyre. I do not ſee to what this addreſs goes.

Mr. Tooke. That the Crown ſhall give their cauſe of challenge before an infirm Juryman ſhall be taken. The pannel is gone through. I am not much accuſtomed to theſe addreſſes to the Bench; I hope you will forgive me if I have not been ſo correct as I ought to be. The Crown have by favour, contrary to law, been accuſtomed to do what they have done, and therefore I bore it---I bore it becauſe I was over-ruled by theſe gentlemen, in whoſe judgment I place my life and fortune, not knowing the practice, or caring ſo much for the practice as I do for the law, which I have read with my eyes open, and the language is as intelligible to me as to any gentleman of the profeſſion. I am firmly perſuaded the law is on my ſide. I forbore to object to the challenges for the Crown, in the firſt inſtance, being made without cauſe ſhewn; but the pannel has been gone through, our challenges are exhauſted, and there are only infirm Jurymen to make up this pannel; therefore I think I am entitled to call upon the Counſel for the Crown to ſtate the cauſe of their challenges; and that I may have thoſe good men whom they have rejected without cauſe at all, unleſs their cauſe is ſufficient to ſupport the challenges they have made.

Lord Chief Juſtice Eyre. Your Counſel adviſed you very properly not to reſiſt the challenges for the Crown, in the courſe in which thoſe challenges have been taken. As far as our legal hiſtory affords us any information upon the ſubject, the courſe is a clear one; the Crown has no peremptory challenge, but the courſe is, that the Crown may challenge as the names are called over, and is not bound to ſhew the cauſe of the challenge until the pannel is gone through; that is the courſe of proceeding, which is now ſo eſtabliſhed that we muſt take it to be the law of the land. At the ſame time I feel that

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the circumſtance; which is become abſolutely neceſſary, of making the pannels vaſtly more numerous than they were in ancient times, might give to the Crown an improper advantage, ariſing out of that rule; and whenever we ſhall ſee that improper advantage attempted to be taken, it will be for the ſerious conſideration of the Court, whether they will not put it into ſome courſe to prevent that advantage being taken. I do not perceive at preſent that there is any complaint that an ill uſe has been made of this power in this inſtance. How many have been challenged on the part of the Crown?

Mr. Shelton. Seven.

Lord Chief Juſtice Eyre. Therefore, I ſay, it does not appear to me that any improper advantage has been taken.

Mr. Tooke. Seven is a majority of my Jury.

Lord Chief Juſtice Eyre. It does not appear to me at preſent that an improper advantage has been taken by the Crown; therefore, we muſt ſee what the rule is.—The rule is, that when the pannel is gone through, if there be not a ſufficient number left to ſerve upon the Jury, the Crown is to ſhew the cauſe of its challenge. The pannel is gone through now as I take it; we reſerved two or three caſes of perſons who had deſired to be excuſed; their excuſe was of a kind which hardly called upon us in ſtrict juſtice to diſpenſe with their ſervice; at the ſame time, if there were enough upon the pannel to ſerve, the Court were inclined to liſten to that excuſe. The queſtion now is, whether they are to be called upon to ſerve, before the Crown ſhall be put to aſſign the cauſes of its challenges.

Mr. Tooke. I only mean to ſuggeſt to your Lordſhips an acknowledged infirmity, and the proſpect of a trial of two hundred hours.

Mr. Attorney General. Your Lordſhip obſerves, on calling over this pannel, that nearly one half are either diſabled by ill-health, want of qualification, or by other reaſonable excuſe from ſerving. It has occurred in the courſe of this trial, that after the Jurors were called over the firſt time, the names of the defaulters were not called over the ſecond time, which I believe has been uſual. In the courſe of what my learned friend ſtated

to the Court, they who ſit by me will do me the juſtice to ſay, that I really felt that the priſoner might be put into circumſtances in which I would not wiſh to place any man, by calling a perſon into the box in order to be ſworn after he thirty-five challenges had been taken; and I feel it in this way, namely, that he may perhaps have challenged A, when he would have challenged B inſtead of A, and that, therefore, he is put into this ſituation—that he muſt wave a challenge which he has before made with conſent, or without conſent, and then that he muſt take a gentleman upon his Jury with a ſort of uneaſy ſenſation in the mind of that gentleman, perhaps becauſe he has been challenged. I was juſt about to get up to ſtate to your Lordſhip, that I did feel that in this ſtage of the buſineſs, without travelling into a great deal of matter, which does not appear to me to have an immediate application to the ſubject, I am ready to admit the objection of my friend Mr. Erſkine. But, at the ſame time, I muſt humbly aſk that the names of the defaulters ſhould be called over; becauſe I think it neceſſary to the adminiſtration of juſtice, that gentlemen, who ſeem to have no reaſonable excuſe for non-attendance, ſhould underſtand that the juſtice of the Country requires that they ſhould attend, and that that information ſhould be given them in the proper way. I am alſo fairly to ſtate to your Lordſhip, that I certainly did not foreſee, with ſuch a large number of individuals upon this panel, that I ſhould be called upon to ſhew cauſe for my challenges. I am very deſirous that this trial ſhould proceed; and, therefore, I now wave my objection to every one of the perſons I challenged.

The three following gentlemen were again called:

Matthias Dupont, ſworn.
William Harwood, ſworn.
Henry Bullock, ſworn.

The

THE JURY.

James Haygarth,	Robert Mairis,
Thomas Harriſon,	William Cooke,
Edward Hale,	Charles Pratt,
Thomas Draine,	Matthias Dupont,
Matthew Whiting,	William Harwood,
Norriſon Coverdale,	Henry Bullock.

Mr. Shelton charged the Jury with the Priſoner in the uſual form.

The indictment was opened by Mr. PERCIVAL.

MR. SOLICITOR GENERAL.

May it pleaſe your Lordſhip—Gentlemen of the Jury.

YOU have heard the indictment againſt the priſoner at the bar read, and you have heard it ſtated to you. I therefore ſhall not detain you by reſtating it at large. I ſhall ſimply obſerve, that it charges the priſoner with the crime of High Treaſon, in compaſſing the death of the King, laying as overt acts of that Treaſon, as the law requires, various different acts, which it imputes to the priſoner, any one of which, if proved, will require you to give your verdict, that the priſoner is guilty of that Treaſon. The main tendency of theſe acts is a conſpiracy to ſubvert and alter the Legiſlature, Rule, and Government of the Kingdom, and to depoſe the King from his Royal State, Power, and Government.

Gentlemen, the law upon this ſubject is perfectly clear, namely, That any act done, the conſequence of which may endanger the life of the King, is taken to be an act done in purſuance of an intent to compaſs the death of the King, demonſtrated by the act, and is the crime of High Treaſon.

Diſtinct imagination of perſonal harm to the King does not neceſſarily form any part of this charge; nor is it material whether a perſon ſo charged has in his contemplation all the conſequences of that which he is about to do; it is ſufficient if ſuch are the probable and ordinary conſequences of that which he is about to do. It has therefore been held, that conſpiring to depoſe the King is clearly an act of High Treaſon, becauſe it is an act which, in its conſequences, tends to bring the King's life in danger. Conſpiring, in any degree, to deprive the King of his Royal Authority, ſo that thoſe who ought to be ſubject ſhall command, and the King ſhall be compelled to obey authorities which the Conſtitution of the Government has not required him to obey, that is a conſpiracy to depoſe the King, and has been uniformly held to be High Treaſon.

I ſhall

I ſhall not therefore, Gentlemen, detain you with any diſcuſſion of the law upon the ſubject, becauſe I take it to be ſo clear and plain, that if, according to your belief, the charge of a conſpiracy to ſubvert the Legiſlature, Rule, and Government of the Kingdom, and to depoſe the King from his Royal State, Power, and Government, is proved, the conſequence muſt neceſſarily follow, (ſuppoſing the priſoner to be brought within the charge) that he is guilty of the crime of High Treaſon.

Gentlemen, I feel, I very deeply feel, the importance of the caſe before you; and, feeling it, I feel my own inſufficiency for the taſk impoſed upon me. I know not what may be the conſequences of the event of this trial. Whether the Conſtitution, to which a great majority, I truſt, of the people of this Country, are firmly attached, is to be defended by the law of the Country, or whether thoſe who have formed that attachment may be compelled to rally round its ſtandard, and to defend it by their own arms, and their own force. I hope, and truſt, no ſuch event will happen. But, feeling as I do, I am oppreſſed by the weight of the cauſe which I have to ſtate to you.

Gentlemen, I attribute to the priſoner, together with others, a conſpiracy to depoſe the King, a deliberate plan to ſubvert the Conſtitution of the Sovereign Power as by law eſtabliſhed, and to execute that plan by his own force, and by the force of thoſe whom he hoped to draw to his aſſiſtance. This, Gentlemen, whatever the object was to be; whatever the conſequences; whether it was to eſtabliſh one form of Government, or another; whether to effect one ſort of change, or another, is, I conceive, unqueſtionably depoſing the King, depriving him, for that purpoſe at leaſt, of his Royal State, Crown, and Dignity; and making him, who is to command, to obey.

Whether, therefore, it was in the contemplation of the priſoner to form a new Government, of one kind, or of another, a Government of King, Lords, and Commons, conſtituting any part of that Government, different from what it now is, or a Government by a King, and one general aſſembly, or by a general aſſembly without a King, or Lords, for the purpoſe of this charge it is exactly the ſame thing; it is altering the Conſtitution

of the eſtabliſhed Government, by a power which, according to that Conſtitution, cannot be permitted to alter it; namely, by the force of individuals, and not by legiſlative acts of the conſtituted power itſelf.

After the length of time which has elapſed, even from the act of ſummoning you to the ſituation in which you now ſtand, and eſpecially conſidering what the length of the preſent trial may be, I will not detain you, by opening to you, in detail, the evidence which will be offered. I ſhall endeavour to confine myſelf to a general outline, which, I hope, will enable you, as the evidence ſhall be offered to you, to combine the ſeveral parts, to apply them to the ſubject, and to underſtand the whole, drawing from it that reſult which I conceive ought to be drawn from it.

Gentlemen, as I ſtated to you, I attribute to the priſoner, and thoſe with whom he was engaged, a conſpiracy to effect a change in the Sovereign Power of the State, by their own force.—That Sovereign Power, you well know, according to the Conſtitution of our Government, is formed of the King, Lords, and Commons, in Parliament aſſembled, in matters of legiſlature; of the King alone, acting in the ſeveral ways which the Conſtitution requires, in the adminiſtration of the Government.

I attribute to the priſoner at the bar, that, for the purpoſe of accompliſhing that conſpiracy with which I charge him, he, and thoſe with whom he was aſſociated, had quarrelled, not merely with the adminiſtration of the Government of the Country; not merely with the frame of the Conſtitution of that Government, but even with the principles upon which that Conſtitution was founded; their objections, therefore, were radical and entire. They aſſerted that no government could be lawful, but a government founded upon what they termed the Rights of Man. The conſequence of that poſition, if true, muſt neceſſarily be, that, as every other deſcription of government is in itſelf unlawful, it is the duty of every man to deſtroy every government ſo unlawfully conſtituted; and it muſt occur immediately to you, Gentlemen, that this conſequence muſt neceſſarily produce univerſal confuſion: for, according to their own declarations, there exiſts no government perfectly conſtituted.

If

If ſuch was the deſign of thoſe who were engaged in the conſpiracy which I have mentioned, every act towards the accompliſhment of that deſign I conceive to have been an overt act of High Treaſon againſt his Majeſty and his Government; for it was an overt act towards accompliſhing a deſign, which deſign had in view the ſubverſion of the Conſtitution of that Government; and neceſſarily had that ſubverſion in view, becauſe thoſe who formed it declared, that the Government itſelf was founded on principles on which no Government ought to ſtand, or could be permitted to ſtand.

Gentlemen, I well remember, when thoſe who were alarmed by what had been paſſing in France were told that their alarm was ill founded; when it was ſaid to them, Why are you alarmed at what is paſſing in France? The ſituation of the two countries is totally different. In France they had no Government which could form the ſubject of the attachment of the people —they had a Government which was in principle tyranny—a Government deteſted by all people, and which therefore fell the moment it was attacked—for Governments can only ſubſiſt in the opinion and in the love of the people—but the Britiſh Government is a Government firmly and deeply rooted in the hearts of the people, and therefore you have no cauſe to fear.

The argument was juſt; and the priſoner at the bar, and thoſe who were engaged with him, felt the truth of the argument, and held it out themſelves to the world, though they determined to deſtroy the foundation of it—they determined to deſtroy that attachment, that opinion, which they themſelves ſtated to be the ſecurity of the Britiſh Conſtitution, and to conſtitute the difference between the ſituation of this Country and the ſituation of France. For this purpoſe they taught that no Government could be lawful, but that which was founded on what they called the Rights of Man; which they interpreted to include, amongſt other things, the right of equal, active citizenſhip. The right of equal, active citizenſhip, was inconſiſtent with the principles of the Britiſh Government; for the right of equal, active citizenſhip, cannot exiſt with an hereditary King, or an hereditary Houſe of Lords; the moment therefore it was

ſaid,

ſaid, that equal, active citizenſhip was a right of man, an indefeaſible, impreſcriptable right of man, and that no Government could lawfully exiſt, which was not founded on the principles of the Rights of Man, it was ſaid that the Britiſh Government was unlawfully conſtituted; that, therefore, the ſubjects of that Government could not lawfully be bound by it, and the poſition tended inſtantly to deſtroy, not only the faith of that allegiance which we all ought to bear to the Government of our Country, but it tended alſo to deſtroy all that opinion upon which alone it was ſtated, that there exiſted ſo marked a difference between the ſituation of this Country and that of France. The moment the people could be induced to believe that the Government, as eſtabliſhed, was not that to which they ought to be attached, but, on the contrary, was a Government founded on injuſtice and oppreſſion, in that very moment the ſituation of this Country was become exactly the ſame as that of France; for what deſtroyed the Conſtitution of the Government of France, ſuch as it was, but its total failure in the opinion of the people of the Country.

Gentlemen, you will find, in a book that will be produced to you, what I have now been ſtating, enlarged upon, and ſtated with much more clearneſs, and much more preciſion, than I am able to ſtate it to you; it is ſtated with great ability in a work of Mr. Joel Barlow.

Gentlemen, the people were taught, in conſequence of this doctrine, that they were ſlaves; that their Government was not, as they imagined, a free Government, but a Government, of conqueſt, of uſurpation; that its conſequences were not thoſe which we had been long led to ſuppoſe them to be—as much freedom as generally ſpeaking was thought to be conſiſtent with good order—but that it was a complete ſyſtem of ſlavery and oppreſſion; they were taught, likewiſe, that from this ſlavery and oppreſſion they muſt emancipate themſelves.

If this doctrine had been eſtabliſhed in the minds of the people, a great length would have been gone in making way in their minds towards the abſolute ſubverſion of the exiſting Government; and I muſt here obſerve, that it is immaterial to your conſideration,

ſideration, whether the priſoner at the bar thought the principles which I have ſtated juſt or not, or whether he meant to eſtabliſh a Government founded upon thoſe principles—whether he conceived that a Government, founded upon the ſuppoſed principles of the Rights of Man, was, or was not, the beſt Government which could be inſtituted—that ſeems to me, Gentlemen, to be totally immaterial: he meant to uſe thoſe principles to deſtroy the exiſting Government. That is what I charge him with; and, if you ſhould be of opinion that he meant to uſe the propagation of thoſe principles as a means to deſtroy the exiſting Government, and that he did propagate thoſe principles, the charge, as I conceive, is complete. I muſt alſo obſerve here to you, Gentlemen, that whenever perſons conſpire againſt the exiſting Government of a Country, it is impoſſible for them to be certain of all the conſequences of their acts; it is impoſſible for them to ſay, ſo far we will go, and no farther, for, when the exiſting powers are deſtroyed, in the interval between that deſtruction and the erection of a new Government, the Country muſt neceſſarily be in a ſtate of anarchy and confuſion; and thoſe who have been excited to the meaſures which have led to the deſtruction of the exiſting Government, may have been excited by ſuch a variety of means, by ſuch a variety of objects; may have had ſuch different paſſions, ſuch different views to gratify, that no one man, no body of men, can venture to ſay where all the miſchief will end. If we wanted an inſtance to illuſtrate what I have now been ſtating, there is a neighbouring country in which it is completely illuſtrated.

Gentlemen, the priſoner at the bar, and thoſe with whom I charge him to have conſpired, did not content themſelves with ſimply endeavouring thus to deſtroy, in the minds of the people, their affection and attachment to the Britiſh Government, by attacking the principles upon which it was founded, and by endeavouring to eſtabliſh, as the only juſt principles of Government, principles incompatible with that Government, they made uſe of every other means which might anſwer the ſame purpoſe.

You all know, that a Reform in the Houſe of Commons has long been the object of public attention; that it has long been

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an object purſued with a conſiderable degree of eagerneſs by ſeveral different perſons; and that various propoſals have, from time to time, been made for that reform; propoſals differing extremely in the principles on which they have been founded; ſome moderate, others more violent; and perhaps even their variety ſhews the difficulty of accompliſhing any reform propoſed. But the perſons who are charged with this conſpiracy never attempted to hold out to the public any plan of moderate reform of the Houſe of Commons; they aſſumed one which has been generally eſteemed in other Countries; in thoſe Countries where there has been a body of repreſentatives of the people, in America and in France, under the Conſtitution completed in 1791, impracticable, or tending neceſſarily in its conſequences to univerſal confuſion; I mean the plan of Univerſal Suffrage.

Gentlemen, this plan had many things to recommend it to men who were engaged in the conſpiracy, which I have ſtated to you; it was uſeful to miſlead. It had originally, to a certain degree, the ſanction of a conſiderable name; that of the Duke of Richmond—and it had been frequently agitated. But you will recollect, Gentlemen, that that was ſome years ago; that for a conſiderable time paſt it had been, by the majority of thinking people in the Country, conſidered, as in itſelf, impracticable; and it was perfectly well known that the leading men, who form what is commonly called the Oppoſition, in Parliament, whatever views they might have of Parliamentary Reform, never conceived an intent of going to that extent; that, on the contrary, they were, in general at leaſt, extremely adverſe to it. And it will be ſhewn to you, in the courſe of the tranſactions which will be laid before you, that this was clearly and diſtinctly known to the perſons who were engaged in the conſpiracy I have mentioned; and particularly it was known that a man, of whoſe abilities I cannot poſſibly ſpeak too highly, and differing, as I do, from him in many reſpects—a man to whom, in reſpect of abilities, I cannot withhold the utmoſt tribute of eſteem—I mean Mr. Fox—it was well known that he was extremely adverſe to it; that he conceived that the propoſal of Univerſal Suffrage and Annual Parliaments, was, in effect, a propoſition for univerſal confuſion.

You will find, therefore, that he was determined not to ſupport a meaſure of that ſort; but, on the contrary, when a petition to the Houſe of Commons was offered to him by his conſtituents to be preſented, containing a prayer to that effect, he declined preſenting it, ſo far as he thought he could with propriety declline preſenting it as coming from his conſtituents; he begged that he might not be called upon to preſent it, becauſe he ſhould conceive it to be his duty to oppoſe it.

Gentlemen, the priſoner at the bar was well aware of all theſe circumſtances. He knew that if Univerſal Suffrage and Annual Parliaments were propoſed to Parliament itſelf, as a Reform of the Houſe of Commons, the propoſal muſt be rejected; becauſe in all probability, amongſt all the advocates for Reform, there would hardly be found one to vote for it. Gentlemen, this I conceive to be very important for you to conſider; becauſe, as it ſtrikes me, it diſtinctly proves that Reform in the Houſe of Commons, by the exiſting Legiſlature, was not the object of the conſpirators. But it was, therefore, determined, that Univerſal Suffrage and Annual Parliaments ſhould be adopted as a principle never to be departed from; and the people were to be taught to inſiſt upon that, at the leaſt; and they were likewiſe to be taught that if that was granted, all would follow. Gentlemen, I have no doubt of the conſequence. I can have no ſort of hoſitation in my mind that every conſequence of anarchy and confuſion muſt ariſe from ſuch a meaſure.

Gentlemen, knowing that ſuch a propoſition would never be acceded to by Parliament itſelf, the inſiſting upon it as a principle never to be departed from, neceſſarily raiſed a perpetual bar againſt Reform by Parliament; becauſe if they were determined to accept only that which they knew all parties in Parliament would reject, it was impoſſible that they ſhould ſeriouſly have in their view an intention of obtaining a Reform by Parliament. The conſequence alſo neceſſarily was, that thoſe in whom they had raiſed diſcontents, in whom they had raiſed a perſuaſion that Univerſal Suffrage was their unalienable right, that they ought to inſiſt upon it, never to depart from it, that they were to urge it, as you will find by the papers that will be laid before

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you, at the hazard of their lives; the people to whom this was taught were neceſſarily alſo taught, that what they wiſhed to obtain, they were to obtain by their own force. For there were only two ways by which it could be obtained, by an act of the conſtituted Legiſlature, or by force; and if they were once taught that the conſtituted Legiſlature never would accede to their propoſition, the only alternative was clear; they were to effect their purpoſe by their own force.

But, Gentlemen, theſe conſpirators went ſtill further, for they taught the people that Parliament *could* not reform it itſelf; that a Reform of any part of the Conſtitution of the Government could only be made by the people aſſembled in what was called a Conſtituting Aſſembly. And if you look through the works of Mr. Paine, particularly, you will find this doctrine clearly, diſtinctly, and repeatedly laid down; that Parliament *could* not reform itſelf; that it was contrary to the nature and conſtitution of Parliament; and particularly alluding to a bill brought into the Houſe of Commons for that purpoſe by Mr. Pitt, it was aſſerted by Mr. Paine, that that bill proceeded upon a totally wrong principle; for that it was impoſſible for the Parliament to reform itſelf. Gentlemen, if it was impoſſible for the Parliament to reform itſelf, and if the Parliament needed reform, the reaſoning was clear, deciſive, and concluſive; that a Reform was only to be effected by the people acting for themſelves. And it muſt alſo appear to you that the people cannot act for themſelves but upon the diſſolution of the exiſting Government, and of that Legiſlature which, according to the Conſtitution of the exiſting Government, ought to act for the people.

The terms, "Univerſal Suffrage and Annual Parliaments," were capable of being applied not only to the Houſe of Commons, but to both Houſes of Parliament, or to all the branches of the Legiſlature. They are general terms, capable of that extended application; and you will find, in the courſe of the evidence which will be laid before you, that the terms are never diſtinctly applied to the Houſe of Commons alone; and, on the contrary, that the terms are frequently ſo uſed, that you can have no doubt that they were meant to be applied to both Houſes

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of the Legiſlature; and that in truth they were, indirectly at leaſt, applied to all the three branches of the Legiſlature.

Theſe terms are particularly ſo applied, in ſome of the papers which will be ſubmitted to you, and in a manner upon which it is impoſſible to form a doubt. Becauſe when principles are firſt laid down totally incompatible with the exiſtence of any hereditary body, and when the term, "Univerſal Suffrage," is applied to a Parliament conſtituted upon thoſe principles, the reſult is neceſſarily clear and plain. You will find it aſſerted, that the civil rights of every individual are equality of voice in making of laws, and in the choice of perſons by whom thoſe laws are to be adminiſtered. Then you will find it aſſerted, that a total departure from this principle of equality in the election of the Legiſlative Body, commonly called the Houſe of Commons, is the chief cauſe why the people of Great-Britain now are deprived of the benefit of the foregoing principles, and of Univerſal Suffrage; and you will find accordingly, in papers which will be produced to you, that when a Parliament is ſpoken of, it is ſpoken of in the aggregate, as the People's Parliament, and wholly elective.

When the minds of men were led to this point; when they were led to conceive that Univerſal Suffrage was their indefeaſible right—even independent of the principle, to which I can give no epithet but the miſchievous principle of equal active citizenſhip, eſpecially when applied both to the formation of the Legiſlature, and to the adminiſtration of the laws, becauſe it neceſſarily includes a completely elective Government, but independant of that principle—the moment it was eſtabliſhed that Univerſal Suffrage, even applied to the Houſe of Commons only, was the unalienable right of all men; when it was known that the exiſting Legiſlature would not concede that point; and when it was likewiſe taught to the people, that the Legiſlature could not reform itſelf, even if ſo diſpoſed, the minds of the people were brought to, and perfectly ripe for, the overthrow of the Britiſh Conſtitution. And if the diſſemination of theſe principles had proceeded to ſuch an extent as to work their way amongſt a very large body of the people, you muſt

be ſenſible, Gentlemen, that nothing but extreme confuſion could follow.

Gentlemen, there are many men who are not likely to be greatly moved by mere ſpeculative opinions; therefore the Rights of Man, the rights of equal active citizenſhip, the right of Univerſal Suffrage, were not likely alone to work upon the minds of a great number of people; thoſe, therefore, were to be worked upon by other means, and every ſubject was ſeized which could be uſed in order to enflame: tythes, for inſtance; the incloſure of commons; the public debt; the public expenditure; the expence of a monarchy compared with the cheapneſs of a republic: every article of this ſort you will find made uſe of for the purpoſe, and avowedly for the purpoſe of working upon the minds of thoſe men who were too ſtupid, as it was ſaid, to be worked upon by more liberal means, by applying their reaſon to the principles of Government. The poor were taught that they were oppreſſed by a combination of the rich; and to the rich, in which deſcription ſeem to be included all that had any property, was given the name of Ariſtocracy. By theſe means it was endeavoured to ſet the poor againſt the rich; and it was endeavoured to excite thoſe who had nothing, to aim at taking that which other men poſſeſſed, becauſe (it was alledged) the means by which they had become poſſeſſed of their property were not lawful means.

Gentlemen, you muſt all ſee that if we are to advert to the origin of the title of every man to the property which he has, and if that is to be ſcrutinized to the utmoſt, it will be difficult to ſay what property is ſafe, or upon what principles it ſhall be ſaid that ſuch a man has a juſt title to his property, and ſuch a man has not. The rule that has generally been hitherto conſidered as a ſafe rule in every Country has been, that every man has a juſt title to that property which the laws of his Country ſupport him in the enjoyment of; and if we are to go beyond that, into any ſpeculative inveſtigations of the ſubject, it is impoſſible to ſay where they will end. And if, Gentlemen, you advert to what has happened in France, you will ſee the neceſſity of adhering ſtrictly to the principle which I have ſtated, namely, that

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a man has a right to that property which the laws of his country ſay he ſhall be protected in the enjoyment of; for in France perſons have been ſtripped of property under pretence of titles which, if ever they exiſted, could not have exiſted for centuries.

If, however, the minds of men could by any means be inflamed——thoſe minds which were capable of being acted upon by ſpeculative diſcuſſions of the Rights of Man—the principles of Government—or thoſe groſſer minds which were to be worked upon by attention to their own intereſt, or by a repreſentation to them of the particular oppreſſions which it was conceived they might feel, or might fancy they felt, without conſidering whether thoſe oppreſſions might not be the neceſſary conſequence of all Government, or ſimply faults in the adminiſtration of Government——you will eaſily ſee, Gentlemen, that when the minds of men were enflamed by any of theſe means, the conſequence would be preciſely the ſame; if people were irritated againſt the exiſting Government of the Country, they might be eaſily led to overthrow that Government.

All theſe arts were uſed to obtain what, you will find, formed the great end, the grand plan, the common cauſe of England and of France, univerſal emancipation; a language to catch a great number of people who might not reflect, with any great correctneſs, upon the terms uſed, or the conſequences which were to follow from them.

Gentlemen, I have ſtated to you what I conceive to be the extent of the conſpiracy; but if it was in the view of the priſoner to prevail on the people to change any thing in the Conſtitution of the Government by their own authority, and he acted in purſuance of that view, I conceive he is equally guilty of the crime with which he is charged. He had that in view which he could not expect to controul. The people, when excited, would act, not upon what he wiſhed, but upon what they choſe to wiſh; and perhaps the ſecurity of himſelf, and the ſecurity of others, who might be engaged with him; perhaps the ſecurity of others, totally diſregarding him, might require their going to lengths which might not immediately be in his contemplation. It is therefore, Gentlemen, that, by the law of

England, when men form plans, the conſequence of which may lead to the deſtruction of the Government in any of its parts, the conſequences of which (if the Government is ſo deſtroyed in any of its parts) neceſſarily lead to the depoſition of the King; at leaſt to that extent the perſons ſo engaged are conceived to have formed the deſign of compaſſing the death of the King, and therefore to be guilty of High Treaſon, whatever their leaders may have originally intended; for they are engaged in that of which they cannot command the conſequences, and in reſpect of which they therefore muſt be anſwerable for whatever, in the ordinary courſe and nature of things, may be the probable conſequences; and this will be found to be abſolutely neceſſary for the ſecurity of every State.

The means by which the perſons, who were engaged in this conſpiracy, were to accompliſh their ends, were principally to be effected by that aſſociation which has effected the ſame thing in France; that aſſociation which we are now to hope may poſſibly be put an end to in that country, as it has been found that the exiſtence of any Government is totally incompatible with the exiſtence of ſuch aſſociated clubs and ſocieties as have been formed in France, conſiſting of what is commonly called the Jacobin Club, and of the ſeveral aſſociated and affiliated ſocieties, to the amount, I think, of upwards of 40,000, which were diſperſed all over that country. You will ſee that it was clearly and diſtinctly in the view of the priſoner, and thoſe engaged with him, to eſtabliſh the ſame ſort of aſſociation of clubs, united in the ſtricteſt manner, and by the cloſeſt correſpondence, throughout all the Country; to diſſeminate thoſe clubs from town to town, from village to village, as, I think, the expreſſion is in ſome of the letters that will be produced to you, until the whole body of the people—that is, the whole body of thoſe who ſhould chooſe to enter into theſe clubs—ſhould be ſo united, that they ſhould move forward all at once; and this you will neceſſarily perceive, if not counteracted, muſt lead to the deſtruction of the Government of any Country. For, if in ſuch a capital as this, a body of men is formed, acting in concert and combination with other bodies of men diſperſed through the whole Country, whoſe

number, whoſe names, are, in a great degree, unknown; their force can never be calculated, but they are a united body, acting in perfect order, acting as a corporation, as a State within the State itſelf, and having all the force and compactneſs of a State, and ſubject to no controul whatever.

Gentlemen, I have ſtated to you that this was done in imitation of the Jacobin Club at Paris, and of its ſeveral aſſociated Societies. Perhaps in ſo ſtating I do injuſtice; for I know not whether, in fact, the French did not copy from this Country. However, whichever was the original, you will find one ſet of Societies hailing the other as brothers and fellow labourers in the ſame cauſe.

Gentlemen, the principal Societies thus acting in this Country were two; one called the Society for Conſtitutional Information, of which the priſoner at the bar has been long a member; the other called the London Correſponding Society, which was inſtituted early in the year 1792, and, as I think you will be convinced by the evidence, directly under the patronage of the priſoner at the bar. The principles of theſe Societies you will find to be univerſally (as I think you will be convinced by the evidence) republican; their Conſtitution was, in a great degree, not ſo. On the contrary, you will find that the Conſtitution of theſe Societies led to what may be termed the moſt ariſtocratic Government that ever exiſted in any Country. I will inſtance the London Correſponding Society. That Society was divided into a number of what were called Diviſions, I think to the amount of about thirty; though theſe Diviſions were never complete, ſo that perhaps ſixteen or eighteen were all the Diviſions that really ever aſſembled at one time. Each of theſe Diviſions was to chooſe a Delegate; the Delegate from each of theſe Diviſions, meeting the other Delegates, formed what was termed the Committee of Delegates; the Committee of Delegates had another Committee, to which ſometimes the name of the Committee of Correſpondence, and at another time the name of the Secret Committee, you will find, was attributed; the true name was that of the Committee of Correſpondence. But you will find that, from the nature of the Com-

mittee itſelf, it ſoon got the name of the Secret Committee, and that, in the end, it was ſo ſecret a Committee that it was not known to the reſt of the Society who were the members of it.

Gentlemen, you will ſee, therefore, that in truth this London Correſponding Society, which is repreſented as conſiſting, ſometimes, I think, of 6,000 members, was governed by eighteen or twenty Delegates, who were governed by a ſmall Committee of five or ſix; the conſequence was, that in truth the five or ſix were the active men, and the others were merely to be uſed as the five or ſix choſe to uſe them.

The Society for Conſtitutional Information had been formed many years ago, and therefore had been formed upon very different principles; upon the ſame principles on which common clubs and aſſociations of the ſame kind are uſually formed. It was a meeting in which gentlemen who entered into the club were upon an equality; but the reſpectable names of which it had been originally formed, by degrees fell of; and you will find that in the latter years, particularly in the courſe of the three laſt years, the priſoner at the bar, and a few other perſons, have been the only conſtantly attending members. Gentlemen, you will find that this Society likewiſe, in the end, framed a Committee of Correſpondence, which tended to give their Conſtitution ſomething of the ſame nature as the Conſtitution of the London Correſponding Society. But the Society being ſmall in number, and principally compoſed of perſons of a different rank in life, the whole Conſtitution of the London Correſponding Society was not compatible with the nature of the Society for Conſtitutional Information.

Gentlemen, theſe Societies correſponded with a number of other Societies throughout the Kingdom; and you will have, in evidence before you, their correſpondence with a Society in Southwark, with a Society at Mancheſter, with a Society at Sheffield, with a Society at Norwich, and, I believe, with ſome other Societies; and when you advert to the correſpondence between theſe ſeveral Societies, and to the declarations of the ſeveral other Societies, adopted as they were by the Society for Conſtitutional Information, to which they all looked up—and

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particularly they looked up to the priſoner at the bar, as the leader of that Society—you will find that their principles led to the eſtabliſhment of what was called Mr. Paine's Rights of Man, and conſequently to the total deſtruction of the Britiſh Government. For, Gentlemen, if you advert, in any degree to what is laid down in Mr. Paine's books, you will find his aſſertions to be totally incompatible with the exiſtence of the Government as it now ſtands in this Country. You will find it particularly aſſerted by Mr. Paine, that in whatever manner the ſeparate parts of a Conſtitution may be arranged, there is one general principle that diſtinguiſhes freedom from ſlavery; which is, that all hereditary Government is, to the people, a ſpecies of ſlavery, and that a repreſentative Government is freedom; that Monarchy would not have continued ſo many ages in the world had it not been for the abuſes it protects; that it is the maſter fraud which ſhelters all others; that the principles upon which Conſtitutions are now formed (Mr. Pain adverting to the American Conſtitution, and to that which is formed in France), reject all hereditary pretenſions to Government—reject all that catalogue of aſſumptions known by the name of prerogative; and he adds, that the oath called the civic oath, in France, (I am now ſpeaking of the firſt part of the Rights of Man, which was written before the final deſtruction of the French Monarchy) to the Nation, the Law, and the King, is improper; that if an oath ought to be taken at all, it ought to be, as in America, to the Nation only; and then he foretels, in clear and deciſive terms, that Monarchy will not continue in France; and the reaſon which he gives for this aſſertion, is a reaſon which unqueſtionably is in itſelf unanſwerable, namely, that it was inconſiſtent with the principles upon which the Government, then eſtabliſhed in France, was founded. For he conceived that the principles upon which the Conſtituent Aſſembly of 1791 had formed the Government, were what he calls the principles of the Rights of Man; and it is perfectly true that Monarchy, or any hereditary eſtabliſhment whatever, is perfectly inconſiſtent with thoſe principles. He therefore foretold, in no equivocal terms, the approaching diſſolution of the Monarchy ſo conſtituted in France,

and the eſtabliſhment of a complete Republic; a prediction which you know, Gentlemen, has ſince been accompliſhed; and he, as well as Mr. Joel Barlow, you will find conſidered in their ſeveral works, that the perſons who, in the Conſtituent Aſſembly of 1791, acceded to retaining the kingly office in the Government which they framed, did ſo out of reſpect only to the prejudices of the people, becauſe they conceived the people were not then ripe for the total deſtruction of Monarchy; that they therefore eſtabliſhed a Government in which the kingly office nominally remained, but placed in ſuch a ſituation, and placed together with powers formed on principles ſo totally oppoſite to thoſe of an hereditary monarchial Government, that it was impoſſible both ſhould ſtand together; and therefore they conceived the Monarchy, as the weakeſt, muſt neceſſarily fall.

Gentlemen, you will find the priſoner at the bar approving of all theſe publications, and ſhewing, in terms unequivocal, what were his opinions upon theſe ſubjects, or at leaſt thoſe opinions which he choſe to manifeſt for the purpoſe of accompliſhing his wiſhes with thoſe whom he was endeavouring to excite to the deſtruction of the exiſting Government. You will find him, in a letter which will be read to you, in anſwer to a letter from a perſon who aſſumed the appellation of the Editor of the Patriot; a paper which was printed at Sheffield; a letter which details, with a wonderful minuteneſs, all the arts that were to be uſed, and which I have deſcribed to you, for the deſtruction of the exiſting Government in the opinion of the people—which ſpeaks of the manner in which reaſon, imperial reaſon, was to act as the generaliſſimo, or commander in chief; but that art was to be ſecond in command, for the purpoſe of inflaming the people, and exciting them againſt the Government of the Country. The anſwer to that letter, in which I underſtand the hand-writing of the priſoner at the bar will appear, concludes thus: "Freedom, though an infant, makes Herculean efforts, and the "vipers, Ariſtocracy and Monarchy, are panting and writhing "under its graſp. May ſucceſs, peace and happineſs attend "thoſe efforts." Efforts which you obſerve were to be made by

freedom,

freedom, compared to an infant Hercules ſtrangling the vipers Ariſtocracy and Monarchy, repreſenting Ariſtocracy and Monarchy as of that deſcription of things which anſwered the term of vipers ſtinging the boſom in which they were nouriſhed.

Gentlemen, you will find that when a Society at Norwich applied itſelf to one of theſe Societies for an explanation upon the ſubject of their intention, whether they meant to be content with the Duke of Richmond's plan, or, as ſome of the Societies ſeemed to propoſe, to rip up Monarchy by the roots—the anſwer—an anſwer given after a great deal of deliberation—went in no degree to the point—but directing the Norwich Society, in all they ſhould write and ſay upon the ſubject, to leave Monarchy alone—to attend to that which they had been before directed to attend to—the inſiſting upon Univerſal Suffrage as a clear, diſtinct principle, and that every thing elſe would neceſſarily follow.

Gentlemen—The views of theſe Societies will alſo perhaps not indiſtinctly appear from their tranſactions with a Society avowedly framed for the purpoſe of a Reform of Parliament—a Society of which you have probably heard under the deſcription of the Friends of the People, avowing themſelves to be advocates for a Reform in Parliament; that is, in the conſtitution of the Houſe of Commons but with a declared anxiety to preſerve the principles of the Conſtitution itſelf. You will find, Gentlemen, that, in the courſe of the correſpondence between the Society for Conſtitutional Information, of which the priſoner at the bar is a Member, and the Society of the Friends of the People, the Society of the Friends of the People found themſelves compelled to decline, ſo early, I think, as May, 1792, all intercourſe with this Society for Conſtitutional Information, becauſe they conceived its members were going lengths far beyond the purpoſe to which the Society of the Friends of the People meant to confine themſelves.

Gentlemen, this is not material, unqueſtionably, with reſpect to the view in which the Society of the Friends of the People ſaw the conduct of the other Society.——You are not to charge a man with a criminal act becauſe other people have conceived

him guilty of it---but it is extremely important in this point of view---that when a body of the deſcription of the Society of the Friends of the People entertained and avowed this jealouſy of the Society for Conſtitutional Information, it became a man of the deſcription of the priſoner at the bar, a man of conſiderable natural talents, and great acquirements, and who muſt therefore have ſeen the whole force of the anſwer ſent by the Friends of the People to his Society---it became the Society completely to diſavow that they had it in their remoteſt contemplation to do any thing which ſhould injure the Conſtituted Government of the Country, and to declare that their object was as limited and as confined as that of the Friends of the People, though perhaps they might differ with them as to the extent of the remedy to be applied. But, Gentlemen, you will find that nothing of that ſort was done. On the contrary, in the courſe of other correſpondence with other Societies, you will find the Conſtitutional Society afterwards endeavouring to perſuade the Country Societies, that the Friends of the People were not honeſt---that they did not mean to do any thing---and that the object of that Society was mere contrivance, to protect that which they pretended they meant to reform.

Gentlemen, the union of the Society for Conſtitutional Information with the other Societies, extended not only to correſpondence, but to aſſuming a number of the members of different Societies as aſſociated members of their own.---You will find, that, of a Society at Sheffield, which was a numerous and a particularly active Society, and which ſeems to have been under the direction of ſome perſons of conſiderable ability, they aſſociated twelve members ſome time in March, 1792. You will find, in like manner, at another period, I think in July, 1792, they aſſociated ſix of the London Correſponding Society---that they aſſociated members of the Norwich Society, and of ſome other Societies, for the purpoſe of uniting all theſe ſeveral Societies, by means of thoſe honorary members, with themſelves.

You will alſo find them, during the courſe of the year 1792, not only repeatedly adopting Mr. Paine's works in terms of the ſtrongeſt and moſt unqualified approbation---in terms applying

clearly to thoſe parts of his works which go moſt directly to the deſtruction of the Britiſh Conſtitution, but ſupporting Mr. Paine in a proſecution inſtituted againſt him for publiſhing the Second Part of the Rights of Man, ſuſtaining him throughout that proſecution, and conſequently adopting, in the cleareſt and moſt explicit manner, thoſe paſſages in the Second Part of the Rights of Man which were the objects of that proſecution, which were conceived to be ſo extremely offenſive, and to lead to ſuch dangerous conſequences---avowedly adopting the principles of that work as principles which were to be ſupported, and explicitly declaring that the man who laid down thoſe principles was an honour to the Society to which he belonged (for he was an honorary member of this Conſtitutional Society) and a faithful ſervant of his Country.

Gentlemen, you will find them likewiſe, as various ſeditious publications by Mr. Paine made their appearance, adopting thoſe publications; and particularly his Letter to the People of France after he was choſen a member of their National Convention, which, you will recollect, was after the utter deſtruction of Monarchy in France by the depoſition of the King in Auguſt, 1792.---You will find them explicitly adopting that Letter, and ordering the printing of others of his publications, at their own expence, to an extent, in point of number, which ſtrikes one when mentioned.---I think of Mr. Paine's Letter to Mr. Dundas, they ordered 12,000 copies to be printed for the purpoſe of diſperſion.

Gentlemen, you will find them in like manner adopting a Letter of Mr. Joel Barlow to the People of France, with reſpect to the alterations which he conceived ought to be made in their Conſtitution of 1791.---And I think, when you read the Letter which Mr. Barlow ſent to the Society with the printed copy of that Letter, and when you read the Anſwer to his Letter to the Society, and ſee the nature of his Addreſs to the People of France, you will be aſtoniſhed that any perſons ſhould hope to be eſteemed friendly to the Government of this Country, who could approve, in ſuch terms, ſuch a letter as that of Mr. Barlow to the People of France. In his Letter to the Society, he expreſsly

ſtates,

ſtates, that he conceives his Addreſs to the People of France, to be important to the objects of the Society: the object of the Letter of Mr. Barlow to the People of France being, to tell them that all that they had of Monarchy in their old Conſtitution of 1791, was totally wrong, was founded upon wrong principles; and that the deſtruction of Monarchy itſelf was eſſential to the the true Conſtitution of every Government.

This letter he ſtates to the Society to be, as he conceived, a letter important to the object which they had in view.——It is impoſſible to conceive in what manner it could be important to the object which they had in view, unleſs their object was to make the ſame change in the Government of this Country which the new Aſſembly in France was preparing to make in the Conſtitution which had been eſtabliſhed in 1791, by the utter abolition of Monarchy.

Gentlemen, I before mentioned to you the addreſs which the Society preſented to the Jacobin Club. That was even earlier; for that was in May, 1792; and you will find this paper expreſſed in terms which will make it impoſſible for you to doubt that the perſons who thus addreſſed that Jacobin Club, did ſo with a full conviction that they truly addreſſed them when they hailed them, "Brothers and fellow citizens of the world," and ſtated to them, that when they offered their congratulations on the glorious Revolution which the French Nation had accompliſhed, they ſpoke a language which only ſincerity dictated.

Gentlemen, this addreſs will be read to you; and therefore I will not detail to you the different parts of it; but there is one part which I will obſerve upon; and I will more particularly obſerve upon it, on account of the conſequences which may perhaps have followed from it. After ſtating, "It would have "given an additional triumph to our congratulations, if the "Rights of Man, which are the foundation of your declaration "of rights, had been recognized by the Governments around "you, and tranquillity eſtabliſhed in all,"——including neceſſarily in that deſcription the Britiſh Government, and therefore aſſerting their wiſh, that the equal Rights of Man, the foundation of the declaration of Rights of the French, upon which the Govern-

ment

ment of 1791, had been imperfectly conſtituted, ſhould be eſtabliſhed in all Governments. They add—" We now behold " you, a nation provoked into defence, *and we can ſee no mode of* " *defence equal to that of eſtabliſhing the general freedom of* " *Europe. In this beſt of cauſes we wiſh you ſucceſs. Our hearts* " *go with you.*"

When they ſtate that *they can ſee no mode of defence equal to that of eſtabliſhing the general freedom of Europe*, I will beg you to recollect that the ſame idea is ſuggeſted in a work of Mr. Paine, " *that the revolution in France was to be accom-* " *pliſhed only by eſtabliſhing ſimilar revolutions in all other* " *Countries in the world*;" and I will beg you alſo to recollect, that it was the general opinion of the French, that the preſervation of their revolution was to be effected, according to the expreſſion of one of their ableſt Deputies, *by ſetting the four corners of the world on fire.* You will then ſee the ground of that famous decree of the National Aſſembly of France, for eſtabliſhing the general freedom of Europe, *as a ſyſtem of defence*; and you will collect whether this Addreſs of the Society for Conſtitutional Information to the Jacobin Society at Paris, may not have been the foundation of, or at leaſt an encouragement to, the whole of that violent proceeding.

Gentlemen, theſe Societies were not contented with this Addreſs of the Conſtitutional Society to the Jacobin Society at Paris, in which the priſoner appears to have had a very particular hand.—Indeed you will find in a great deal of the evidence which will be produced to you, the hand-writing of the priſoner, which ſhews that he directed the whole of their proceedings, and you will find this upon occaſions, and under circumſtances that will aſtoniſh you.—The Societies next proceeded to addreſs the National Convention at Paris. Upon this ſubject a private correſpondence took place between ſome members of the London Correſponding Society, and the priſoner at the bar. A Gentleman of the name of Froſt, who appears to have been a perſon who correſponded with Mr. Tooke, was then at Paris; and you will find that in his conception of things, without the affair of the 10th of Auguſt (which you will recollect

collect was the total overthrow of Monarchy in France) liberty was at an end. You will likewiſe find, that during the courſe of theſe tranſactions, the priſoner at the bar was in correſpondence with Petion the Mayor of Paris; a correſpondence which in its language ſhewed that Petion conſidered himſelf and the priſoner as engaged in the ſame common cauſe. Their cauſe, as I conceive, could be no otherwiſe a common cauſe, than as they conceived, according to the declaration in the addreſs to the Jacobins, "that the beſt defence for France was "the eſtabliſhing the general freedom of Europe."

Gentlemen, you will find, that in conſequence of a private correſpondence between the priſoner at the bar and one of the members of the London Correſponding Society, the propoſition to addreſs the National Convention of France, apparently originated with that Society; but in truth it was a matter which had been previouſly ſettled between the priſoner and this member of the London Correſponding Society. The London Correſponding Society ſent to the Society for Conſtitutional Information the addreſs which they had prepared; and a Committee of the Conſtitutional Society was appointed to confer with them upon the ſubject, of which Committee the priſoner at the bar was one. This addreſs the Conſtitutional Society did not think proper to adopt as their own; but they reſolved that they highly approved of the ſpirit of it.

The addreſs of which the Conſtitutional Society thus approved the ſpirit, is expreſſed in ſuch terms, that I muſt detain you whilſt I ſtate ſome paſſages in it, becauſe it ſeems to me, together with the addreſs which was preſented by the Society for Conſtitutional Information, plainly to ſhew the plan of theſe Societies. After addreſſing the French Convention in ſtrong terms of friendſhip, the addreſs of the London Correſponding Society repreſents them fervently ſupplicating the Almighty Ruler of the Univerſe to be favourable to the cauſe of the Convention, as intimately blended with their own; again aſſerting that the cauſe in which the French Convention was then engaged, was a cauſe intimately blended with that in which the Societies in London were engaged. They proceed, "Frowned

"upon

" upon by an oppreſſive ſyſtem of controul, whoſe gradual " but continued encroachments have deprived this nation of " nearly all its boaſted liberty, and brought us almoſt to that " abject ſtate of ſlavery from which you have ſo emerged." And here, Gentlemen, is another inſtance of that miſrepreſentation which I before-mentioned to you, artfully holding out to the people of this Country, that they were reduced to a ſtate of ſlavery ſo nearly reſembling that in which France was before the revolution of 1789, that there was ſcarcely a difference between the two Countries.

The addreſs proceeds, " they conceive it to be the duty of " Britons to countenance and aſſiſt, to the utmoſt of their " power, the champions of human happineſs, and to ſwear to " a nation proceeding on the plan you have adopted, an inviol- " able friendſhip;"—that is, to ſwear inviolable friendſhip to a nation proceeding on a plan which had for its object the utter ſubverſion of Monarchy, and all hereditary diſtinctions in the Government of their Country, and of eſtabliſhing in lieu of it, a perfect repreſentative Government, founded on the ſuppoſed principles of the Rights of Man. Then they proceed to ſtate their own ſituation; that the ſtern, uplifted arm of authority kept back the timid; and add, " Men now aſk each other " what is freedom? What are our rights? Frenchmen you are " already free, and Britons are preparing to become ſo." A clear and explicit declaration that they conceived the French were become free in conſequence of the events of the 10th of Auguſt, by which Monarchy was totally deſtroyed in France, and that Britons were preparing to become as free as the French were become by thoſe events.—" Seeking our real enemies, we find " them in our boſoms"—the vipers Monarchy and Ariſtocracy, which you recollect were mentioned in another paper—for they add, " We feel ourſelves inwardly torn by, and ever the victims " of a reſtleſs and all-conſuming ariſtocracy, hitherto the bane " of every nation under the ſun! Wiſely have you acted in " expelling it from France!"

Gentlemen,

Gentlemen, what is this but a declaration that one branch of the Legiſlature of this Country, the Houſe of Lords, was an all-conſuming ariſtocracy, and that the French had acted wiſely in expelling ariſtocracy from France. At the concluſion there is a paſſage which ſhews, beyond a poſſibility of doubt, that their object was the eſtabliſhment in this Country of a Government, from which not only what they call Ariſtocracy, but Monarchy, ſhould alſo be baniſhed; for they add, "While "you enjoy the envied glory of being the unaided defenders "of freedom, we fondly anticipate in idea the numerous "bleſſings mankind will enjoy, if you ſucceed as we ardently "wiſh;" that is, ſucceed in eſtabliſhing that Government which the Convention were then about to eſtabliſh, and by which Monarchy was to be totally annihilated, "if you ſucceed, "as we ardently wiſh, the triple alliance (not of Crowns, but) "of the people of America, France, and Britain, will give "freedom to Europe, and peace to the whole world."

Can declarations be more explicit than theſe, that their object was, that the power which ſhould be competent in this Country to make an alliance, ſhould not be the King, by whom, according to the Conſtitution of this Country, all treaties with foreign States muſt be made, and with whom all dealings with foreign Powers muſt, at leaſt, nominally be had, and that there ſhould be a triple alliance—not of crowns—expreſsly negativing the Crown—but of the people of America, of France, and of Britain, to give freedom to Europe, and peace to the whole world; adopting again the idea developed in the addreſs to the Jacobins of May preceding, that giving freedom to Europe was the beſt defence for that which was then tranſacting in France. They add, "How "well purchaſed will be, though at the expence of much blood, "the glorious, the unprecedented priviledge of ſaying mankind "is free! Tyrants and tyranny are no more! Peace reigns "on the earth! And this is the work of Frenchmen."

Can language convey in ſtronger terms, the ideas of men bent on the deſtruction of every thing to which they could give the terms Monarchy, Ariſtocracy, or the Crown in this Country;

Country; of eſtabliſhing that which they conceive to be univerſal freedom, and aboliſhing what they call tyrants and tyranny, ſo that peace might reign on the earth.

You will find, Gentlemen, in the courſe of the evidence which will be laid before you, this repeatedly and artfully urged to catch men of enthuſiaſtic diſpoſitions, that if Monarchy and Ariſtocracy were aboliſhed, and if all Governments were what they call "Governments of the people," wars would be at an end, and univerſal peace would reign upon the earth. Thus you will find one paper opening another, the ſame principles developed throughout, and thoſe principles aiming at the deſtruction of the Government of this Country, and at the eſtabliſhment of a repreſentative Government.

Upon this addreſs the Society for Conſtitutional Information reſolved "that the thanks of this Society be given to the London "Correſponding Society for the above addreſs, and that the Se-"cretary acquaint them this Society do highly approve of the "ſpirit of the ſame."

Having approved of the ſpirit of this Addreſs of the London Correſponding Society, they proceed to prepare a ſeparate Addreſs of their own, conceived in language as ſtrong as that of the London Correſponding Society; ſo that I think you will be of opinion that they did not decline concurring in the Addreſs of the London Correſponding Society, becauſe they thought it too ſtrong, but becauſe probably they thought that expreſſing the ſame things in other words, they ſhould convey the ſame ideas ſtill more diffuſively throughout the Country.

The Addreſs of the Society for Conſtitutional Information to the National Convention in France, begins thus—"Servants "of a ſovereign people, and benefactors of mankind, we re-"joice that your Revolution has arrived at that point of per-"fection which will permit us to addreſs you by this title. "It is the only one that can accord with the character of true "legiſlators." This is a clear declaration that an hereditary office of King, and an hereditary peerage, were, in their opinions, utterly inconſiſtent with the character of true legiſlators.

It

It is conſequently a declaration that they wiſhed to eſtabliſh a legiſlature founded upon the ſame principle as that on which the Convention in France proceeded; upon a principle wholly elective. They proceed—" Every ſucceſſive epoch in your " affairs has added ſomething to the triumphs of liberty and " *the glorious victory of the* 10*th of Auguſt*, has finally prepared " the way for a Conſtitution, which, we truſt, you will eſtabliſh " on the baſis of reaſon and nature."

They conceived therefore, Gentlemen, that the events of the 10th of Auguſt were a glorious victory, and that it prepared the way for the eſtabliſhment of a Conſtitution on the baſis of reaſon and nature; a baſis upon which every man muſt wiſh that every Conſtitution ſhould be founded, only that what is reaſon, and what is nature, what is that baſis upon which a Conſtitution ought to be founded, is that upon which many men are very likely to differ.

There are other paſſages in this Addreſs which clearly ſhew the objects of the perſons who preſented it. They repreſent the condition of Engliſhmen, though not ſo bad as that of other countries, yet ſtill as approaching to a ſtate of ſlavery. They tender their warmeſt wiſhes for the full extent of the progreſs, and ſucceſs of the cauſe in which the French Convention were engaged; and add, " It is indeed a " ſacred cauſe. We cheriſh it as the pledge of your happineſs, " our natural and neareſt friends, and we rely upon it as the " bond of fraternal union to the human race, in which union our " own nation will ſurely be one of the firſt to concur." After ſtating the advantages to be derived from the proceedings of the aſſembly in France, they add, " Go on legiſlators, in the work " of human happineſs, the benefits will in part be ours, but " the glory ſhall be all your own. It is the reward of your " perſeverance, it is the prize of virtue." And then conſidering that the ſparks of liberty have been preſerved in England, only ſo far as to ſhew the darkneſs viſible in the reſt of Europe; they ſpeak of the luſtre of the American republic as like an effulgent morning, but ſtill too diſtant to enlighten our hemiſphere,

ſphere, till the ſplendour of the French Revolution burſt forth upon the nation in the full fervor of the meridian ſun; and diſplayed in the midſt of the European world the practical reſult of principles which philoſophy had ſought in the ſhade of ſpeculation; and which experience muſt every where confirm. The practical reſult of the principles thus applauded, you muſt conſider as directly oppoſite to the principles upon which the material parts of the Britiſh Conſtitution are founded, becauſe they are principles utterly inconſiſtent with an hereditary Monarchy, or an hereditary Houſe of Lords. The Addreſs concludes, "In this career of improvement, you example will be "ſoon followed; for nations riſing from their lethargy, will "reclaim the Rights of Man with a voice which man cannot "reſiſt."

Gentleman, I have enlarged upon theſe two Addreſſes, becauſe it appears to me that they develope with a clearneſs not to be queſtioned, the principles of theſe Societies, and ſhew that they were perfectly hoſtile to the Conſtitution of this Country; and becauſe it ſeems to me impoſſible to conceive that men who framed and preſented ſuch Addreſſes, could have in view ſimply a reform of the Commons Houſe of Parliament, upon any ſyſtem of reform, meaning to go no farther.

Gentlemen, they were not miſunderſtood by the perſons to whom their Addreſſes were preſented; nor indeed did the perſons who preſented the Addreſs of the Conſtitutional Society miſunderſtand its meaning. The perſons choſen for this purpoſe were Mr. Joel Barlow, and Mr. Froſt.

You will find that Mr. Joel Barlow, and Mr. Froſt, at the time they preſented this Addreſs, pronounced an introductory Addreſs from themſelves, but afterwards communicated to the Conſtitutional Society, and perfectly approved by them.

In this introductory Addreſs they expreſs themſelves thus: "Citizens of France, we are deputed by the Patriotic Soci-"ety in London, called the Society for Conſtitutional Informa-"tion, to congratulate you in its name upon the triumphs of "liberty. Before the epoch of your Revolution, this Society

" employed itſelf on this important object with little hopes of " ſucceſs." They then ſtate, that innumerable ſocieties of the ſame ſort were forming in every part of England; that they excited a ſpirit of univerſal enquiry into the complicated abuſes of Government, and the ſimple means of reform; that after the example given by France, revolutions would become eaſy; that reaſon was about to make a rapid progreſs; and that it would not be extraordinary if in much leſs ſpace than could be imagined, the French ſhould ſend their congratulations to a National Convention in England.

This introductory Addreſs clearly points out the object of the Addreſſers. It clearly points out, that they conſidered themſelves as labouring to little purpoſe until the event of the French Revolution; that the event of that Revolution in its conſequences led to all that they propoſed; that they conſidered the means for obtaining that which they propoſed as ſimple; that theſe means were to be taken from the example of France, which example would make revolutions eaſy. What was the example of France? They tell you in the concluding words—the eſtabliſhment of a National Convention—and, therefore, they conceived that it would not be extraordinary if in a much leſs ſpace of time, than could be imagined, the French ſhould ſend their addreſſes of felicitation to a National Convention in England.

Gentlemen, you will find that this idea of a National Convention did not originate here, but in an Addreſs of the London Correſponding Society to the people, of the 6th of Auguſt, 1792. There the ſame idea is clearly advanced, that the people were to effect their own emancipation by means of that National Convention, from which alone they could hope to have it; by the people meeting in a Convention, becauſe they could not expect to receive that which they wiſhed from the conſtituted authorities of Government.

The Preſident of the French National Aſſembly did not, in the leaſt, heſitate to interpret this Addreſs of the Conſtitutional Society, and the proceedings upon it; for in his anſwer to it,

he ſays, to the Addreſſers, "Thoſe who now defend our liberty "will one day become the ſupporters of yours." Then he adds, "Generous Republicans,"—ſo that he clearly conceived that their Addreſs breathed the ſpirit of republicaniſm—he had not the leaſt heſitation in applying to the perſons who came to him with ſuch an Addreſs that epithet. He ſays, "The ſhades "of Pym, of Hampden, and of Sydney, are hovering over "your heads; and the moment cannot be diſtant when the peo-"ple of France will offer their congratulations to a National "Convention in England." You perceive, therefore, that the Preſident of the National Convention of France, had not the leaſt doubt of the meaning of the Addreſs which was made to him; or of the object of it; and that the conſequences might probably be that which the Addreſſers themſelves had told him they probably might be, namely, the eſtabliſhment in this Country of the ſame ſort of Convention which was then eſtabliſhed in France.

Gentlemen, I forbear to detail to you a vaſt variety of other papers, all tending to the ſame concluſion—Letters from the Societies in France—Letters from and to the Societies here—But there is one thing which I think I ought particularly to mention to you. On the 18th of January, 1793—certainly a very critical period—it was a time when, in the perſuaſion of men in general, a war between the two Countries was likely to take place—the Conſtitutional Society thought proper to make three Members of the French National Aſſembly, Mr. Saint André, Mr. Barrére, and Mr. Roland, Honorary Members of their Society, Saint André, on the 18th of January, and Barrére and Roland, on the 25th of January; deſcribing them as the moſt judicious and enlightened friends of liberty. And on the firſt of February, they reſolved, that the ſpeeches of Barrére, and Saint André, in the French National Aſſembly, upon the ſubject of the trial of the King, ſhould be entered on their books; and then they reſolved, that this reſolution ſhould be printed in the public newſpapers.

Undoubtedly, this is not publishing directly these ſpeeches; but it is publiſhing them indirectly, becauſe it is calling the attention of all men to thoſe ſpeeches, and intimating that the Society for Conſtitutional Information conceived the ſpeeches contained matter worthy of attention. They referred the attention of the public to thoſe ſpeeches, as contained in the French papers. The conſequence is obvious, that thoſe who were likely to read the reſolutions of this Society for Conſtitutional Information, would be naturally led to read theſe ſpeeches. And the Society could have no object in theſe reſolutions but to adopt in ſome way or other theſe ſpeeches.

Theſe ſpeeches will be given in evidence to you; and you will find that the right of the National Aſſembly to decide upon the fate of the King, is ſtated to ariſe from their being a Revolutionary Aſſembly, created by the nation in a ſtate of inſurrection; that the ſpeeches proceed to inveſtigate the ſubject—to conſider the conſequence which naturally muſt follow, from the riſing of the people againſt the Government of the Country,—to ſhew that it muſt effect the deſtruction of that Government, and, therefore, the deſtruction of the inviolability of the perſon of the King.

Theſe principles afterwards, as you well know, were adopted by the French Convention, and acted upon in putting the King to death. One of theſe ſpeeches deſcribes, likewiſe, the difference between a Convention, and an ordinary Legiſlature, ſhewing that a Convention of the people aſſembled upon the extraordinary occaſion, upon which this Convention in France was aſſembled, had neceſſarily abſolute ſovereign power to model and to form every thing, as in their diſcretion they ſhould think proper, becauſe they were to be conſidered in effect as the people themſelves. And Mr. Barrére concludes, ſpeaking of the Conſtituent Aſſembly, which he obſerves had laid the firſt foundation for liberty, that *they were obliged to abide by what was then the prejudice of public opinion*; but that now all prejudices of that kind were deſtroyed; and he adds, "Nothing was want-

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"ing to immortalize that Assembly but to have delivered France "from the calamity of Kingly Government, and to have re- "lieved you from the duty of judging the best of your Kings. "With this example before your eyes you hesitate even in the "first step of your duty. Am I then no longer in the midst of "that National Convention, whose honourable mission it was "to destroy Kings and Royalty."

For what purpose could persons who meant to assert their loyalty to the Government of this Country, to the King, and to the establishment of the Legislature in King, Lords, and Commons, offer to the attention of the world these speeches? Unless they meant to destroy that constituted Government I am utterly at a loss to discover their purpose; and I believe that my friends will find it as difficult to discover.

The war soon followed—I think it was in the month of February, 1793, that the French declared war. This interrupted the intercourse between the two Countries—but it was necessary to keep up the spirit of the persons who were to be engaged in that Revolution, which the Prisoner at the bar, with others was, I assert, engaged to effect. They contrived to excite a very general apprehension that a Revolution, of some kind or other, would take place; and they proceeded to do that which had the effect of agitating the minds of the people, in a way perfectly safe for themselves—namely by petitions to Parliament for a Reform of the House of Commons.

But, Gentlemen, you will find from the evidence, that these petitions were not presented with any hope of success, or with any intention that they should meet with success. They were considered merely as a measure of policy, and were so treated in several papers written by the Society for Constitutional Information, particularly in a letter to a Society at Norwich. After stating their objections to the Constitution of England as formed, and their wishes to alter it, they say—"Where then "are we to look for our remedy; to that Parliament of which "we complain; to the executive power which is implicitly "obeyed, if not anticipated in that Parliament, or to ourselves

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Gentlemen, without endeavouring to diſcuſs what it was which the writer of this letter conceived was likely to produce the confuſion to which he adverts, and upon which, unleſs means were taken to prevent it, anarchy muſt enſue, it is ſufficient for me to ſay, that clearly, in the mind of this writer, ſomething was expected to happen, from which anarchy was likely to enſue. This letter is written in a particular ſtile, with reſpect to religious ſentiments. "We will not need but to be prepared for the "event, to ſtand and ſee the ſalvation of the Lord. Let us, "therefore, take the hint given us by our oppoſers; let us be"gin in earneſt to make up our minds relative to the extent "of Reform which we ought to ſeek; be prepared to juſtify "it, and to controvert objections. Let us model the whole in "the public mind. Let us provide every ſtake and ſtay of the "tabernacle which we would erect, ſo that, when the taber"nacles of oppreſſion, in the palaces of ambition, are broken "down, under the madneſs and folly of their ſupporters, we may "then, without anarchy, and all dangerous delay, erect at once "our tabernacle of righteouſneſs."

Gentlemen, it ſeems to me that it is impoſſible to read this letter without perceiving that, in the contemplation of the mind of the writer a total diſſolution of the Government was likely to happen, and that it was neceſſary to have a new frame of Government, for the purpoſe of ſupplying the place of that which ſhould be diſſolved at that inſtant, and of preventing that anarchy which, he thought, muſt otherwiſe enſue; but a following paſſage leaves this without a doubt, for he proceeds, to obſerve, "How hurtful to the feelings of a reflecting mind, to "look back to the wretched ſtate in which the Roman Mo"narchy, enfeebled and broken by its own corruption, left the "nations which it had ſubjected, like ſheep without a ſhepherd." He ſeems, in ſubſequent paſſages, to conſider, that it was neceſſary to be very expeditious in that which he propoſed to be done. "Do not, I entreat you, heſitate, thinking ſuch a work "premature as yet. But a month, and then it may be too late; "a malignant party may be already formed, and only waiting

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"for the halting of the present measures. It will then be too "late to seek to subject to deliberation, after a party has dared "the act of rebellion." There are other passages in this letter, which it will be proper to consider; but I will detain you no longer, than to observe, that it must have been clearly in the contemplation of the writer, that a dissolution of all Government might possibly soon take place.

Gentlemen, you will find that afterwards, by means of a private correspondence between Mr. Skirving, and some of the members of the London Corresponding Society, it was contrived that an application should be made to the London Societies, and other English Societies, to send Delegates to this Convention in Scotland, and that accordingly it was resolved to send Delegates. You will find that the London Corresponding Society sent as Delegates, Mr. Margarot and Mr. Gerald, and that the Society for Constitutional Information sent a Mr. Sinclair, and likewise elected, for the purpose a Mr. Yorke, but Mr. Yorke did not go, being prevented, I think, by illness, or by some other means. You will find that these persons, meeting at Edinburgh, in November, 1792, proceeded to act in a manner, which, I think, I do not state to you too strongly, when I assert, that if they had been permitted to proceed as they had began, civil commotions must necessarily have followed.

Having originally met in May, 1792, and again, in consequence of their adjournment in November, under the description of the General Convention of Delegates from the Societies of the Friends of the People throughout Scotland, they thought fit, upon the 22d of November, which I think was the third day of that meeting, to assume the title of "The British Con- "vention of Delegates of the People, associated for obtaining "Universal Suffrage and Annual Parliaments;" dropping their original character of Delegates from the Societies of the Friends of the People, and assuming to themselves a new character, that of "Delegates of the People," meaning therefore to arrogate to themselves the character of an assembly which was to be sup-

ſupported by the weight, and by the authority of the people at large. For there could be no purpoſe whatever for which they could aſſume this title of "Delegates of the People," unleſs they meant to aſſume the character incident to "Delegates of "the People;" that is perſons immediately delegated by the people themſelves, otherwiſe than the conſtituted Government of the Country authorizes; and therefore, for the purpoſe of doing ſomething which might be deemed the act of the people, and to be ſupported by the authority of the people.

Gentlemen, if they had in view ſimply the obtaining a Reform in Parliament, by application to Parliament itſelf, this aſſumption of title was not only unneceſſary, but it was utterly improper, becauſe, if they were to petition Parliament they ought to petition Parliament in their true character; that is, as Delegates from the Societies of the Friends of the People, by whom they were ſeverally ſent; otherwiſe they would not ſtate to Parliament their real character, that in which alone they would have had a right to have weight in the opinion of Parliament. Aſſuming to themſelves the title of "Delegates of "the People," a title which they could not with truth aſſume, they aſſumed ſomething upon which they meant to bottom ſomething further; and there is nothing which they could mean by it, but to aſſume to themſelves the character of being the Repreſentatives of the People, and therefore being ſuperior to the conſtituted Government. If we advert to what paſſed in France, we ſhall feel a ſtrong reſemblance, in this proceeding, to a ſimilar aſſumption of character, and conſequently of power, in that Country; and it will teach us what the conſequences of ſuch an aſſumption are. You all know, that the aſſembly which met in France, in the year 1789, was originally the States-General of the kingdom, convened by the King. But a part of them being aſſembled, to the amount of about half, I think, of their whole number, aſſumed to themſelves the appellation of "Delegates of the People." Inſtead of Delegates of the different States, as they were originally conſtituted, they aſſumed to themſelves the title of "Delegates of the People," as one general

maſs;

mafs; and, having done fo, they formed a refolution which neceffarily followed from that affumption, namely, *that the King could put no negative upon their proceedings.* The laft affumption was juft, if they were really the Delegates of the People; becaufe fuch a Delegation was neceffarily a fuperceffion of all Government, the people taking the affairs of the Country into their own hands. They juftly affumed, that the King could put no negative on their proceedings, if they were entitled to affume the character of Delegates of the People; but they firft affumed the character of Delegates of the People; and then they affumed, that being Delegates of the People, the King had no right to put a negative upon any of their proceedings. That paffed in France, and this proceeding in Scotland, is a complete copy. A number of perfons, aflembled originally under the title of, and being, in fact, Delegates fimply from the Societies of the Friends of the People, as they were called, affumed to themfelves the character of Delegates of the People. They could do fo only for the fame purpofe for which the Affembly in France did it; namely, for the purpofe of affuming to themfelves all the authority, all the power, and all the confequence, which belonged to perfons of that defcription.

Gentlemen, this was clearly and diftinctly calling upon the people to fupport them; it was giving them a title to fay, "We "are your Delegates, fupport us in what we are doing."—Having done this, they proceeded to a variety of refolutions, all of which, I think, you will fee, clearly tended directly to the fame purpofe. I will not obferve upon any of them, except two; one is, that, upon a petition to Parliament being propofed, it was negatived by the order of the day; another, that a refolution was, on the 28th of November, 1793, come to, with a confiderable degree of folemnity, for which a blank was left in the minutes, and which refolution was not to be entered upon the minutes until the clofe of their fittings. That refolution appears to me to be of fuch a defcription, that I ought to take fome notice of it to you, even in this opening.

"Refolved, that the following declaration and refolution be

"inferted

" inserted at the end of our minutes"—(and, I should observe, that this was moved by the Delegate from the Society for Constitutional Information)—" This Convention, considering the " calamitous consequences of any act of the Legislature which " may tend to deprive the whole or any part of the people of " their undoubted right to meet, either by themselves or by " delegation, to discuss any matter relative to their common inter- " rest, whether of a public or private nature, and holding the " same to be totally inconsistent with the first principles and " safety of society, and also subversive of our known and acknow- " ledged constitutional liberties, do hereby declare, before God " and the world, that we shall follow the wholesome example " of former times, by paying no regard to any act which shall " militate against the Constitution of our Country, and shall " continue to assemble and consider of the best means by " which we can accomplish a real representation of the people " and annual election, until compelled to desist by superior force."

Gentlemen, you will find that in the conclusion, they carried this resolution into effect, the chairman refusing to quit the chair until compelled to do so by superior force. Let us suppose that the power sent for the purpose of dispersing this Meeting had been unequal to the purpose, that it had been of inferior force—the result would have been, that this Convention of the Delegates of the People at Edinburgh would have become instantly a permanent Assembly; and you will find, by a letter of one of the persons who was a Member of this Convention, that he considered this resolution as equivalent to a declaration of permanency.

They proceed—" We do resolve, That the first notice given " for the introduction of a Convention Bill, or any Bill of a " similar tendency to that passed in Ireland in the last session of " their Parliament; or any Bill for the suspension of the Habeas " Corpus Act; or the Act for the preventing wrongous im- " prisonment, and against undue delays in trials in North Bri- " tain, *or in case of an invasion*; or the admission of any foreign " troops whatsoever into Great Britain or Ireland; all, or any

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" one of these calamitous circumstances, shall be a signal to the " several Delegates to repair to such place as the *Secret Committee* " of this Convention shall appoint: and the first seven " members shall have power to declare the sittings permanent, " and every one shall constitute a Convention, and proceed to " business."

Gentlemen, here were resolutions which they did not choose to enter at the time upon their minutes—here was a contrivance for establishing a *secret* place for the meeting of this Convention upon several emergencies, some of which were—the introduction of a Convention Bill into the House of Commons—not the actual passing, but the mere introduction of it into the House, to prevent their meeting—or any Bill of a similar tendency—or any Bill for the suspension of the Habeas Corpus Act—or in *case of an invasion*—or the admission of any foreign troops whatsoever into Great-Britain or Ireland.

For what purpose can this resolution have been entered into, but for providing a more effectual resistance to Government, by holding their assembly in some other place, which they might afterwards appoint, and which they might think more adapted to that resistance than the city of Edinburgh. The manner in which all this is to be done is curious—The place where the Meeting was to be held was to be kept a perfect *secret*; it was not to be known to any person except a *Secret Committee* of three, with the Secretary, who were to be appointed to determine the place where such Convention of Emergency should meet. They resolved, " That such place shall remain a secret " with them and with the secretary of this Convention; and " that each Delegate shall, at the breaking up of the present " session, be entrusted with a sealed letter containing the name " of the place of meeting; that this letter shall be delivered " unopened to his constituents, the receipt of which shall be " acknowledged by a letter to the secretary—preserved in the " same state until the period shall arrive at which it shall be " deemed necessary for the Delegate to set off;" so that until that moment it was not to be disclosed, even to the Delegates

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themſelves, where this Convention was, in this caſe of emergency, to meet.

Then they proceed to reſolve, " That the moment of any " illegal diſperſion of the preſent Convention, ſhall be conſidered " as a ſummons to the Delegates, to repair to the place of meet- " ing appointed for the Convention of Emergency by the Secret " Committee, and that the Secret Committee be inſtructed to " proceed without delay to fix the place of meeting."

Gentlemen, what muſt have been the conſequences, if the opinion of the people, or of any number of the people, had followed this Britiſh Convention, as it termed itſelf, of Delegates of the People—had acknowledged its members in that character; that being the Delegates of the People they were to be ſupported by the people, and had attempted to ſupport them accordingly?—What conſequences could have followed but a civil war?

Gentlemen, you all know that this Convention was diſperſed by the authority of the civil magiſtrates. Being diſperſed, you know that proſecutions took place, which became the ſubject of a conſiderable degree of clamour. The Society for Conſtitutional Information, in a variety of reſolutions, approved and adopted all that had been done in this Convention at Edinburgh; and on the 17th of January, 1794, they came to reſolutions of the ſtrongeſt tendency.

" Reſolved, That law ceaſes to be an object of obedience " whenever it becomes an inſtrument of oppreſſion."

" Reſolved, That we call to mind with the deepeſt ſatisfac- " tion the merited fate of the infamous Jefferies, once Lord " Chief Juſtice of England; who, at the æra of the glorious " Revolution, for the many iniquitous ſentences which he had " paſſed, was torn to pieces by a brave and injured people."

" Reſolved, That thoſe who imitate his example deſerve his " fate."

This immediately following the tranſactions in Scotland, and the proceedings there of which they complain, I can give it no conſtruction but that of a direct incitement to the people of Scotland

Scotland to exercise, against the persons who presided in the Courts of Justice there, that sort of summary justice by the people themselves which is here stated to have been the fate of the infamous Jefferies.—They proceed,

"Resolved, That the Tweed, though it may divide countries, "ought not, and does not make a separation between those "principles of common severity, in which Englishmen and "Scotchmen are equally interested; that injustice in Scotland "is injustice in England; and that the safety of Englishmen is "endangered whenever their brethren of Scotland, for a con-"duct which entitles them to the approbation of all wise, and "the support of all brave men, are sentenced to Botany Bay, "a punishment hitherto inflicted only on felons."

You see, Gentlemen, they do not merely quarrel with the severity of the sentence, but they assert that the conduct of the persons against whom these sentences were past, was not only not criminal in the high degree that could merit such a sentence, but that it was not criminal at all; on the contrary, that it was highly meritorious, and was such as entitled them to the approbation of all *wise*, and the support of all *brave* men. Upon resolutions *drawn under the direction of a man of the description of the prisoner at the bar*, one may be permitted to advert even to particular words; and the epithets of "*wise*" and "*brave*" are placed, the *one* to "*approbation*" and the *other* to "*support*." One may easily conceive to what they lead, and to what they may be expected to lead.

Mr. Tooke. Am I to understand the Solicitor General to pledge himself to prove all that he states? Shall I be justified in understanding that? and that if he fails in proving it, it takes off all the force of that which he states?

Lord Chief Justice Eyre. Failing in the proof takes off, certainly, as far as that goes, the whole of it.

Mr. Solicitor General. I state this, your Lordship sees, to be a resolution of the Society for Constitutional Information, and am merely making observations upon it.

Mr. Tooke.

Mr. Tooke. I underſtood the Solicitor General to ſtate, that theſe reſolutions were drawn up under the priſoner's directions. I mention it now that he ſhould not hereafter ſay I miſtook him: if the Solicitor General withdraws that, I have done.

Mr. Solicitor General. At the Meeting when theſe reſolutions were come to, *Mr. Tooke* appears by the books to have been *in the chair*; whether he actually drew up the reſolutions is another queſtion; but *he was in the chair.* I meant merely to ſay, that Mr. Tooke is a man who underſtands (unqueſtionably infinitely better than I can profeſs to do) the critical meaning of words, and their application in the cleareſt and plaineſt ſenſe.

Gentlemen, they proceed—"Reſolved, That we ſee with "regret, but we ſee without fear, that the period is faſt ap- "proaching when the liberties of Britons muſt depend not upon "reaſon, to which they have long appealed, nor on their powers "of expreſſing it, but on their firm and undaunted reſolution to "oppoſe tyranny by the ſame means by which it is exerciſed."

"Reſolved, That we approve of the conduct of the Britiſh "Convention; who, though aſſailed by force, have not been "anſwered by argument; and who, unlike the members of a "certain Aſſembly, have no intereſt diſtinct from the common "body of the people."

Gentlemen, on theſe two reſolutions I muſt beg leave to make this obſervation, becauſe it appears to me to belong to them.—The laſt is a complete approbation of the conduct of the Britiſh Convention; it deſcribes them in the very character which they aſſumed—that of Delegates of the People. From the former reſolution, it is clear, that the attention of the people was intended to be drawn to the probability of a time approaching when the liberties of Britons muſt depend not upon reaſon, to which they had long appealed, nor upon their power of expreſſing it, but on their firm and undaunted reſolution to oppoſe tyranny by the ſame means by which it was exerciſed; calling tyranny thoſe proceedings which had been had in Scotland in

diſperſing

diſperſing that Aſſembly; attributing that diſperſion to force; and clearly declaring an intention to oppoſe force by force —this is the interpretation which I put upon theſe reſolutions. Whether you will put the ſame interpretation upon them or not is for you to determine.

Gentlemen, theſe reſolutions having been entered into by the Society for Conſtitutional Information on the 17th of January, on the 20th of January there was a meeting of the Society called the London Correſponding Society at the Globe Tavern. The proceedings of that meeting at the Globe Tavern are ſuch as make it neceſſary for me to call your particular attention to them.

"At a General Meeting of the London Correſponding So-
" ciety, held at the Globe Tavern in the Strand, on Monday,
" the 20th day of January, 1794, Citizen John Martin in the
" chair, the following Addreſs to the people of Great Britain
" and Ireland was read and agreed to." Then there follows an Addreſs to the people of Great Britain and Ireland; it proceeds to ſtate—"If we look to Ireland we find that acknowledged
" privilege of the people, to meet for the ſupport and protection
" of their rights and liberties, is attempted by terror to be
" taken away by a late infamous Act of Parliament.—In Scot-
" land, the wicked hand of power has been impudently exerted
" without even the wretched formality of an Act of Parliament;
" magiſtrates have forcibly intruded into the peaceful and lawful
" meetings of free men, and by force, not only without law
" but againſt law, have, under colour of magiſterial office,
" interrupted their deliberations, and prevented their aſſocia-
" tion."

"The wiſe and good conduct of the Britiſh Convention
" at Edinburgh has been ſuch as to defy their bittereſt enemies
" to name the law which they have broken; notwithſtanding
" which, their papers have been ſeized, and made uſe of as
" evidence againſt them; and many virtuous and meritorious
" individuals have been as cruelly as unjuſtly, for their virtuous

" actions, disgraced and destroyed by infamous and illegal sen-
" tences of transportation."

" Citizens, we all approve the sentiments, and are daily re-
" peating the words, for which these our respectable and valua-
" ble brethren are thus unjustly and inhumanly suffering.
" We too associate, in order to obtain a fair, free, and full
" representation of the people, in a house of real national repre-
" sentatives. Are we also willing to be treated as felons for
" claiming this our inherent right, which we are determined
" never to forego but with our lives, and which none but
" thieves and traitors can wish to withhold from us." Then they proceed—" If we had not just cause to apprehend the
" same inhuman treatment—if, instead of the most imminent
" danger, we were in perfect safety from it, should we not
" disdain to enjoy any liberty or privilege whatever in which
" our honest Irish and Scotch brethren did not equally and as
" fully participate with us! Their cause, then, and ours, is
" the same; and it is both our duty and our interest to stand or
" fall together. The Irish Parliament and the Scotch Judges,
" actuated by the same English influence, have brought us di-
" rectly to the point. There is no farther step beyond that
" which they have taken. *We are at issue.* We must now
" chuse at once either liberty or slavery, for ourselves and our
" posterity. Will you wait till barracks are erected in every
" village, and till subsidized Hessians and Hanoverians are upon
" us."

Gentlemen, what is this?—Is it not a declaration that the Government of the Country, and these Societies, assuming to themselves the character of the people, *were at issue*—that there was no farther step beyond that which had been taken by the Government—that the people, therefore, must now choose at once either liberty or slavery, for themselves and their posterity. I can consider this no otherwise than as an actual *declaration of war against the constituted power—an appeal to the sword—rank rebellion.*

Gentlemen,

Gentlemen, they proceed to ſhew that it was their intention to act by their *own force*; for they ſay—"You may aſk, perhaps, by what means ſhall we ſeek redreſs?"

"We anſwer, that men in a ſtate of civilized ſociety are bound to ſeek redreſs of their grievances from the laws, as long as any redreſs can be obtained by the laws. But our common maſter, whom we ſerve, (whoſe law is a law of liberty, and whoſe ſervice is perfect freedom), has taught us not to expect to gather grapes from thorns, nor figs from thiſtles. We muſt have redreſs from our own laws, and not from the laws of our plunderers, enemies, and oppreſſors."

Who is it they ſtile their plunderers, enemies, and oppreſſors?—The conſtituted Government, and the conſtituted Legiſlature of the Country. They ſay, they are not to expect redreſs from the laws to be made by that Legiſlature, and to be adminiſtered by that Government, but that they muſt have redreſs from *their own laws*—that is, by their own force. If they could not (and you know they could not) make laws according to the conſtitution of the Government of this Country, they muſt have intended to form a new power equal to making laws; they muſt have intended to aſſume the character of the people, taking into their own hands the Government of the Country, and acting by force, and according to the ſpirit of ſuch a delegation. If you can give a different interpretation to theſe words—if the learned gentlemen who are of counſel for the priſoner, or the priſoner himſelf, not inferior to any man perhaps for ſuch a purpoſe—if they can give any other interpretation, you will give him the benefit of it: I can give no other. It ſeems to me clearly to be a declaration that they would ſeek redreſs—not from the Legiſlature of the Country, adminiſtering the laws of that Legiſlature, but that they would ſeek redreſs from their own laws—laws which they could not frame, but by aſſuming to themſelves legiſlative power; and laws which they could not execute, but by aſſuming to themſelves the executive Government of the Country; ſo far, at leaſt, as ſhould be ſufficient to execute theſe laws—which muſt have been by force.

Gentlemen, they proceed then to ſtate the manner in which they were to make theſe laws, and to execute them—" There " is no redreſs for a nation circumſtanced as we are, but in a " fair, free, and full repreſentation of the people." Then they declare, they were determined to obtain that fair, free, and full repreſentation of the people which ſhould give them their redreſs; and how?—" Reſolved, That during the enſuing ſeſſion of " Parliament, the General Committee of this Society do meet " daily, for the purpoſe of watching the proceedings of the " Parliament, and of the adminiſtration of the Government of " this Country;" and here they take up what was done in the Britiſh Convention—" and that upon the firſt introduction of " any bill or motion inimical to the liberties of the people, ſuch " as, for landing foreign troops in Great Britain or Ireland; " for ſuſpending the Habeas Corpus Act; for proclaiming mar- " tial law; or for preventing the people from meeting in Socie- " ties, for conſtitutional information; or any other innovation " of a ſimilar nature," which may include any thing—" that, " on any of theſe emergencies, the General Committee ſhall " iſſue ſummonſes to the Delegates of each diviſion, and alſo to " the Secretaries of the different Societies affiliated and corref- " ponding with this Society, forthwith to call a General Con- " vention of the people, to be held at ſuch a place and in ſuch " a manner as ſhall be ſpecified in the ſummons, for the pur- " poſe of taking ſuch meaſures into their conſideration."

Now, Gentlemen, the connection between this and the Britiſh Convention is clear.—Here is the adoption of the very reſolutions which the Britiſh Convention had come to; and clear and plain it is, that the perſons who penned theſe reſolutions meant to carry into execution that which they propoſed—meant to ſupport that Convention which they wiſhed to aſſemble by their own force (for by no other means could they make thoſe laws which they propoſed to make for their redreſs); declaring, that they could not expect redreſs from the laws of their plun- dererers, enemies, and oppreſſors, the conſtituted Government of the Country.

Gentlemen,

Gentlemen, there were ſeveral reſolutions come to by this Society on the 23d of January, and which were publiſhed together with thoſe reſolutions of the 20th of January——I aſk pardon for deſcribing them as reſolutions——they are toaſts which were drank at the anniverſary dinner on the 20th, but they were publiſhed together with the reſolutions I have ſtated, by an order of the Committee on the 23d of January. They were toaſts given at the anniverſary meeting of the Society on that very 20th of January, when theſe reſolutions were come to:

" The Rights of Man, and may Britons never want ſpirit to " aſſert them."

" The Britiſh Convention lately held at Edinburgh, and ſuc- " ceſs to the important object it had in view."

" Citizen William Skirving, charged by the ſentence of the " Court of Juſticiary with the honour of being the cauſe of " calling that Convention."

" The London Correſponding Society, and other patriotic " Societies of Great-Britain and Ireland." Then there are ſeveral others of the different Deputies and Societies.

" Succeſs to the arms of Freedom againſt whomſoever di- " rected, and confuſion to Deſpots, with whomſoever allied."

" All that is good in every Conſtitution, and may we never " be ſuperſtitious enough to reverence in any that which is " *good for nothing.*" What it was that was " *good for nothing,*" I think a part of the evidence, which will be produced to you, will very clearly ſhew.

" Citizen Thomas Paine; may his virtue riſe ſuperior to ca- " lumny and ſuſpicion, and his name ſtill be dear to Britons."

There are others which I ſhall not trouble you with.

On the 24th of January, 1794, the Society for Conſtitutional Information came to this reſolution; " A motion was made " that it be reſolved that the moſt excellent addreſs of the London " Correſponding Society be inſerted in the books of this So- " ciety;" and then there is this reſolution; " That the London " Correſponding Society have deſerved well of their Country. " Reſolved, that the Secretary be ordered to cauſe forty thou-

" ſaid copies of the addreſs, the ſpeech, and thoſe reſolutions, " to be printed on one ſheet, and properly diſtributed in Eng- " land, Scotland, and Ireland." " Reſolved, that theſe reſolutions " be publiſhed in the newſpapers." With reſpect to theſe reſolutions I underſtand that a conſiderable part is in the handwriting of the priſoner at the bar, and which, I believe, will not be diſputed.

Gentlemen, theſe proceedings neceſſarily led to that which followed. You ſee that the proceedings of the 17th of January, the 20th of January, and the 24th of January, were clearly intended to lead to the aſſembling, at a time when it ſhould be thought expedient, another Britiſh Convention. On the 28th of March the Society for Conſtitutional Information received a letter from the London Correſponding Society, dated the 27th of March; it was a letter written by the Secretary of one Society to the Secretary of the other. " Citizen, I am directed, " by the London Correſponding Society, to tranſmit the follow- " ing reſolutions to the Society for Conſtitutional Information, " and to requeſt the ſentiments of that Society reſpecting the " important meaſures which the preſent juncture of affairs ſeem " to require. The London Correſponding Society conceives " that the moment is arrived when a full and explicit declara- " tion is neceſſary from all the friends of freedom; whether the " late illegal and unheard of proſecutions and ſentences ſhall de- " termine us to abandon our cauſe, or ſhall excite us to purſue " a radical Reform, with an ardour proportioned to the magni- " tude of the object, and with a zeal as diſtinguiſhed on our " parts as the treachery of others, in the ſame glorious cauſe, is " notorious. The Society for Conſtitutional Information is " therefore required to determine whether or no they will be " ready, when called upon, to act in conjunction with this and " other Societies, to obtain a fair repreſentation of the people. " Whether they concur with us in ſeeing the neceſſity of a " ſpeedy Convention, for the purpoſe of obtaining, in a con- " ſtitutional and legal method, a redreſs of thoſe grievances " under which we at preſent labour, and which can only be effec-

" tually

" tually removed by a full and fair repreſentation of the people " of Great-Britain. The London Correſponding Society can- " not but remind their friends that the preſent criſis demands all " the prudence, unanimity, and vigour that ever was or can be " exerted by men and Britons; nor do they doubt but that " manly firmneſs and conſiſtency will finally, and, they believe, " ſhortly, terminate in the full accompliſhment of all their " wiſhes." Then follow the reſolutions.

" Reſolved unanimouſly, Firſt, that dear as juſtice and li- " berty are to Britons, yet the value of them is comparatively " ſmall, without a dependence on their permanency, and there " can be no ſecurity for the continuance of any right but in equal " laws."

" Second, That equal laws can never be expected but by a " full and fair repreſentation of the people; to obtain which, in " the way pointed out by the Conſtitution, has been, and is, the " ſole object of this Society; for this we are ready to hazard " every thing, and never, but with our lives, will we relin- " quiſh an object which involves the happineſs, or even the po- " litical exiſtence of ourſelves and poſterity."

" Third, That it is the decided opinion of this Society, that, " to ſecure ourſelves from future illegal and ſcandalous proſecu- " tions, to prevent a repetition of wicked and unjuſt ſentences, " and to recal thoſe wiſe and wholeſome laws that have been " wreſted from us, and of which ſcarcely a veſtige remains, " there ought to be immediately a Convention of the People " by Delegates, deputed for that purpoſe from the different So- " cieties of the Friends of Freedom, aſſembled in the various " parts of the nation; and we pledge ourſelves to the public to " purſue every legal method ſpeedily to accompliſh ſo deſireable " a purpoſe."

Gentlemen, you will obſerve that this letter and theſe reſo- lutions are amply larded with the words *legal and conſtitutional*. The inſertion of theſe words will not make thoſe things legal and conſtitutional which are not ſo. If you ſee that the direct tendency of all theſe proceedings was to call a Convention of the

People, who were—I will use the words of the resolution which I have stated to you—" to secure ourselves from future illegal " and scandalous prosecutions, to prevent a repetition of wicked " and unjust sentences, and to recal those wise and wholesome " laws that have been wrested from us, and of which scarcely a " vestige remains." Gentlemen, was not the avowed purpose for which this Convention of the People was to be assembled to alter the whole frame and system of things? Under the pretence of securing themselves from future illegal prosecutions, under pretence of preventing a repetition of wicked and unjust sentences, and under pretence of recalling wise and wholesome laws, which, they asserted, had been wrested from them, and of which, they said, scarcely a vestige remained.

To the letter is added, " I have to inform you, that a General " Meeting of the Society will be holden on Monday, the 14th " of April, the place to be announced by public advertise- " ment." This, which is a sort of postscript, is material, because you will find that meeting on Monday, the 14th of April, which was a meeting of the Corresponding Society, at a place called Chalk Farm, not an unimportant part of the proceedings of these Societies.

Upon these resolutions the Society for Constitutional Information resolved—" That it is fit and proper, and the duty of " this Society, to send an answer to the London Corresponding " Society."

" Ordered, That the Secretary acquaint the London Cor- " responding Society that we have received their communication, " and *heartily concur with them in the objects they have in* " *view*; and that for the purpose of a more speedy and effectual " co-operation, we invite them to send to this Society, next " Friday evening, a delegation of some of their members."

In consequence of this, a delegation did take place; and, on the 4th of April, at the meeting of the Society for Constitutional Information, the prisoner at the bar appearing to be present, as he was also at the meeting on the 28th of March, there was read a letter from the Committee of the London Corres-

ponding Society, acquainting the Society for Conſtitutional Information, that they had deputed perſons of the names of Moore, Thelwall, Hodgſon, Lovett, and Baxter, to hold a conference with the members of the Society for Conſtitutional Information. Accordingly theſe five perſons attended, and it was reſolved, "That a delegation of five members of the Conſtitu-"tional Society, ſhould be appointed to meet the members de-"puted by the London Correſponding Society." The perſons appointed were of the names of Sharpe, Joyce, Wardle, Holcroft, and Kydd; and the Society reſolved, "That theſe "perſons be a deputation to confer with the Deputies of the "London Correſponding Society." The Society then left the room, and conference began between the Deputies of the two Societies. The Conſtitutional Society alſo came to a reſolution that there ſhould be appointed a Committee of Correſpondence of the members of the Society. This Committee of Correſpondence I adverted to in an early part of my addreſs to you, as an inſtance, of ſome of the members of the Society for Conſtitutional Information, aiming at the ſame ſort of management of their Society, by a ſmall Committee, as had taken place in the other Societies. The perſons who compoſed the Committee of Correſpondence were Mr. Joyce, Mr. Bonney, Mr. Sharpe, Mr. Pearſon, Mr. Tooke, and Mr. Wardle.

The Delegates from the two Societies, who were to confer upon the ſubject of the propoſed Convention, having come to reſolutions upon the ſubject, on the 11th of April, 1794, Mr. Joyce made a report, the priſoner being preſent. The entry in the book is—"Mr. Joyce made the report of the meeting "of the Delegates of the London Correſponding Society, for "the purpoſe of this Society co-operating with the London "Correſponding Society, and that they had come to the fol-"lowing reſolutions:

"Firſt, Reſolved, That it appears to this Committee very "deſirable that *a General Meeting, or Convention* of the "Friends of Liberty ſhould be called for the purpoſe of taking

"into

" into conſideration the proper methods of obtaining a full and " fair repreſentation of the people."

" Second, Reſolved, That it is recommended to the Society " for Conſtitutional Information, and the London Correſpond- " ing Society, to inſtitute a regular and preſſing correſpondence " with all thoſe parts of the Country where ſuch meaſures may " be likely to be promoted, not only to inſtigate the Societies " already formed, but to endeavour alſo to produce ſuch other " aſſociations as may further the general object."

" Reſolved, That it appears to this Committee that the ge- " neral object will be much promoted if a ſtanding Committee " of co-operation, between the two Societies, were eſtabliſhed " for the purpoſe of holding perſonal communication with ſuch " members of ſimilar Societies in other parts of the Country, as " may occaſionally be in London, and who may be authoriſed " by the reſpective Societies to act with ſuch Committees."

Then they read a lettter from the Secretary of the London Correſponding Society, dated the 10th of April, 1794, ſtating, that he was ordered by the Committee of Delegates of the London Correſponding Society, to inform the Society for Conſtitutional Information, that they approved the reſolutions of the Committee of Conference; " therefore the London Cor- " reſponding Society have choſen five perſons (whom they " name) to put in practice immediately the ſecond and third " reſolutions of the Committee."

Then it was reſolved, " That the report of the Committee of " Delegates from the London Correſponding Society, and of " this Society, be entered on the books of this Society."

" Reſolved, That it appears to this Society very deſirable " that *a General Meeting* of the Friends of Liberty ſhould be " called, for the purpoſe of taking into conſideration the proper me- " thods of obtaining a full and fair repreſentation of the people."

" Reſolved, That it appears to this Society that the general " object will be much promoted if a ſtanding Committee of co- " operation were eſtabliſhed;" repeating the reſolutions of the

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Committee, with this variation that you obſerve in the report of the Committee—"It is reſolved, that it appears to the Committee, that "a General Meeting (or Convention) of the Friends of Liberty "ſhould be called, for the purpoſe of taking into conſideration the "proper methods of obtaining a full and fair repreſentation of the "people." Upon this, I underſtand, there was a ſort of debate about the uſe of the word Convention; and it was ſuppoſed that the word Convention was a term which had in itſelf ſomething offenſive, and therefore the term Convention was omitted, and the word Meeting only remained. The difference between "Meeting" and "Convention" will be very difficult to diſcover.

Then there was a reſolution, "That the Committee of Correſpondence already appointed by this Society, be the Committee for co-operation and communication with the Committees of other Societies."

"Ordered, That the Secretary be deſired to ſend a letter to "the London Correſponding Society, acquainting them with "the Members of this Society appointed to confer with them."

"Reſolved, That Mr. Joyce be requeſted to accept of the "office of Secretary to the Committee of Correſpondence, "Mr. Joyce being preſent accepted of the ſaid office."

On the 2d of May there was a ſort of anniverſary dinner of the Society for Conſtitutional Information, at the Crown and Anchor Tavern, when ſome toaſts were drank, which will be ſtated to you, and which appear to follow the ſame ſort of principles which had been repeatedly adopted by this Society; and ſtrong as they appear to be, they ſeem very little ſtronger than thoſe before adopted. "The Rights of Man." "The "armies contending for liberty," and ſeveral others. When they ſhall be read to you, you will ſee what they are, and what effect they ought to have,

Gentlemen, there had taken place, in the mean time, the meeting of the 14th of April, of the Correſponding Society, at Chalk Farm. The proceedings at that meeting have the ſame tendency. You will, when they ſhall be read to you, ſee what effect you ought to give to them. There is one thing, however,

ever, which I will mention—(I am ſorry to detain you ſo long, and therefore I rather run over the latter part of the caſe, becauſe, I think, I have ſtated enough to enable you to form a general comprehenſive view of the whole)—It is a letter from the London Correſponding Society to the Society of the Friends of the People, from which it is manifeſt, that the Friends of the People held themſelves aloof from theſe Societies, and therefore the conduct of the Friends of the People diſtinctly called upon theſe Societies to explain, and avow their principles, if their principles were not thoſe which might be deemed dangerous to the Conſtitution of the Country.

Upon the 12th of May the Secretaries to the two Societies were apprehended; and upon the 16th, I think, the priſoner at the bar was alſo apprehended. There had been, in the mean time, a ſort of circular letter, written by the Secretary of the London Correſponding Society, for the purpoſe of inviting the different country Societies to ſend Delegates to the propoſed Convention; and it appears that the Committee of Co-operation and Correſpondence was ſitting, I think, at a place in Beaufort Buildings, in the Strand, where Mr. Thelwall, who was one of the Members of the Correſponding Society, and an aſſociated Member of the Conſtitutional Society, gave lectures. The Committee of Co-operation was ſitting, for the purpoſe of carrying into execution the plan which had been formed; and at that moment it was that the arreſt of the ſeveral perſons, who have been taken into cuſtody, took place.

Gentlemen, I would call to your recollection what muſt have been the probable conſequences if the Convention, propoſed to have been aſſembled by theſe perſons, had actually aſſembled. The reſolutions of the 17th of January, the 20th of January, and the 24th of January, appear to me clearly and deciſively to prove that the object which they had in view, in calling a Convention of the People, was to carry into execution, by means of that Convention, the ſeveral objects which they detail in their ſeveral addreſſes; and when you recollect the terms of thoſe addreſſes, you muſt alſo recollect that they are expreſſed in

ſuch

ſuch terms as might lead to any thing; and that in no degree whatever do they diſtinctly lead to a ſimple Reform in the Conſtitution of the Houſe of Commons. But if they had for their object a ſimple Reform in the Conſtitution of the Houſe of Commons, to be effected by means of ſuch a Convention, acting by its own laws, and not by the laws of the conſtituted Legiſlature, their proceeding to aſſemble ſuch a Convention, would be equally the crime of High Treaſon—becauſe the Convention muſt neceſſarily deprive the conſtituted Legiſlature of its powers before they could act in that capacity; and muſt ſubſtitute themſelves (at leaſt for the particular purpoſe) in the place of that conſtituted Legiſlature. When theſe men reſolved, therefore, to expect redreſs only from their own laws, and not from the laws of their enemies, plunderers, and oppreſſors, they declared that their object was to take the remedy into their own hands, and to act upon that principle.

Gentlemen, what can be ſaid in anſwer to this caſe if proved, and I have reaſon to think, from experience, that the principal facts which I have ſtated cannot be controverted by evidence, or explained away by argument. Becauſe I am ſure if either could have been done, or if both could have been done, that either one or both would have been done on a former occaſion. I, therefore, am firmly perſuaded that the facts of the caſe cannot be controverted, and that thoſe facts, remaining uncontroverted, cannot be explained away.

Gentlemen, It may be ſaid that the Priſoner at the bar, whatever might be the views of others, or whatever might be the motive of others, was himſelf of a different deſcription. But it is impoſſible that a man of his abilities, and of his character, ſhould repreſent himſelf as a man deceived or deluded. He may aſſert that his principles were totally adverſe to thoſe of perſons who might wiſh for a new order of things, except ſo far as a Reform in the Commons Houſe of Parliament (preſerving every other part of the Conſtitution) might be his object; and that he had no conception of obtaining that object by any other means,

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than the lawfully conſtituted Legiſlature. It will, perhaps, be aſſerted that he has upon various occaſions expreſſed himſelf as a man attached to the Conſtitution of his Country; attached to the hereditary Monarchy, and to the Houſe of Lords; that he has always profeſſed to approve of both.

Even ſuppoſing, Gentlemen, that, in fact, his opinions did not go with thoſe perſons who meant the deſtruction of the Conſtitution; and that he had that attachment, which it may be pretended he had—do we not know that perſons who have had opinions adverſe to the meaſures that they have purſued, have ſtill purſued thoſe meaſures. What was the caſe of the Proteſtant Lords, and others in the Rebellions in 1715 and 1745; and, indeed, of ſome in the reign of King William, whoſe object was to reſtore the Pretender, which would in all probability, in the end—though they perhaps flattered themſelves to the contrary, have re-eſtabliſhed Popery in this Country if it had been effected. Were they leſs guilty of Treaſon, becauſe their wiſhes were, perhaps, for the preſervation of the Conſtitution, and of the religion of the Country, whilſt they endeavoured, from other motives, to put a different Prince upon the Throne.

However, we know men frequently profeſs that which they do not mean—a man may have Monarchy on his lips, when is heart is far from it. Lord Lovat, for inſtance, was perpetually proteſting his loyalty, whilſt he was engaged for a courſe of years in deep ſchemes to overturn that Government to which he profeſſed and avowed ſuch loyalty. The language of the French Convention in 1791, is noticed by Mr. Paine, by Mr. Barlow, and others of their eulogiſts, whoſe works are admired by the Priſoner at the bar. Several of the Members of that Convention, ſpoke with the greateſt reverence of Monarchy, until the time was come when they thought they could overturn it. And we have a memorable inſtance that the greateſt of traitors may profeſs attachment in the moment of the deepeſt treaſon. We know that the vileſt traitor profeſſed his loyalty whilſt he was contemplating an act of the meaneſt treachery, and in the completion of

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that act cried, "Hail Maſter!" and kiſſed him. But does it follow becauſe a man holds the language of loyalty, that he is therefore loyal. It certainly does not follow.

If the Priſoner was loyal to the Conſtitution of his Country, what did he mean by his reſolutions on the ſubject of the works of Paine, of Barlow, and ſeveral other reſolutions which have been detailed to you, and which bear, at leaſt, to the view of ordinary men, a directly different tendency. What did he mean by the Addreſs to the Jacobins, when he ſpoke of them as fellow-labourers with him in the ſame cauſe? What did he mean by the Addreſſes to the National Convention, by the introductions to thoſe Addreſſes? What did he mean when he ſpoke of the vipers Ariſtocracy and Monarchy, panting and writhing under the graſp of infant freedom? Did he mean to ſay that he was loyal and attached to Monarchy and Ariſtocracy when he denominated them vipers, and when he deſcribed them as in the very moment of extinction?

Did he mean to expreſs his loyalty by the admiſſion of Saint André, Barrére, and Roland into his Society, by holding out their ſpeeches upon the ſubject of a National Convention, and the trial of the King, to the view of the people of this Country? Why were there Secret Committees, and why a Convention of the people, if his purpoſes were perfectly loyal, if he meant only that which he pretends he meant, if he meant nothing but an application to the Legiſlature of the Country, for that Reform which he conceived to be proper? If, therefore, witneſſes ſhould be called in any number, to any ſuch declarations of loyalty, can they make any change in your ſentiments? Can they take the words out of the ſeveral Addreſſes? Can they take out the words "the vipers Ariſtocracy, and Monarchy," and a thouſand expreſſions of the ſame ſort? Can they blot out the proceedings of the Britiſh Convention which he has approved? Can they deſtroy the reſolutions of the 17th, of the 20th, and the 24th of January? If not, what purpoſe can they ſerve? At the utmoſt the production of ſuch evidence can be only an attempt to oppoſe negative evidence, in itſelf utterly improbable, to poſi-

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give teſtimony of facts, which, under the circumſtances, I think you will be perſuaded, cannot be accounted for in any manner conſiſtent with ſuch evidence.

I ſhall ſit down, therefore, Gentlemen, in the full perſuaſion that the evidence which will be produced to you cannot be controverted, and that its effects cannot be controverted; that it will fully prove the charge of High Treaſon contained in the indictment; and that you, mindful of your oaths, mindful of the important charge you have, that to your verdict is committed the ſafeguard of the Conſtitution of this Country, as far as the adminiſtration of its laws can be its ſafeguard. Mindful at the ſame time that the Priſoner at the bar is one of the Members of that Society, and is likewiſe individually as much within your protection, as the collective body of that Society is, and that, therefore, you are as much bound to do juſtice to him, as you are bound to do juſtice to that Society. Yet mindful of the duty that you owe to that Society, you are to give a juſt and true, and an honeſt verdict. You are not to be deluded by pretences, but are to endeavour to diſcover what the truth of the caſe is, and having diſcovered it, to give your verdict accordingly.

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The Reader will obſerve, that ſuch of the papers read in evidence upon this trial, as were read on the trial of Thomas Hardy, are not reprinted in this, but references made to the pages in Hardy's Trial where they are to be found.

EVIDENCE FOR THE CROWN.

Mr. Thomas Maclean, (ſworn)

Examined by *Mr. Bower.*

Q. You are one of the King's meſſengers?

A. Yes.

Q. Did you ever go to the houſe of a perſon of the name of Daniel Adams?

A. Yes; I went by virtue of a warrant from the Secretary of State, on the 12th of May, in the morning, a little before eight o'clock, to the houſe of Mr. Daniel Adams; and I took him into cuſtody, together with his books and papers.

Q. Look at that book---Is that one of the books you ſeized there?

A. Yes, it is.

[*The book was put into Court.*]

Mr. William Woodfall, (ſworn)

Examined by *Mr. Law.*

Q. Is this the hand writing of Mr. Tooke? (ſhewing a book to the witneſs.)

A. I believe this part (pointing it out) is; but I cannot ſwear it.

Q. You are not aſked to do that.

A. I never ſaw this entry---I mean merely to ſay, for my own ſake, and that of the Jury, that I only ſwear, that, as far as reſemblance of hands ſtrikes me, this is Mr. Tooke's writing.---I have ſeen him write, but not ſo often as his writing has paſſed through my hands.

Q. But, however, from writing that you have ſeen, you are able to form a judgment?

A. I cannot ſay I am able to form a deciſive judgment; but I believe, from the reſemblance of hands, it is his hand-writing.

Mr. William Woodfall,

Croſs-examined by *Mr. Tooke.*

Q. Are you ſure you have ſeen me write?

A. Yes.

Q. How long ago?

A. Some years ago; I believe, full ſeventeen; the period is a memorable one; I allude to the circumſtance of an advertiſement for a ſubſcription for the widows, orphans, and aged parents o the Americans who loſt their lives at the battle of Lexington.

Q. That was in 1775, nineteen years ago?

A. You are perfectly right; it was nineteen years ago.

Q. I know the time; for I was proſecuted for it.---I know you have a good memory of what you hear---you have a good memory too of what you ſee.

A. The reaſon why I inſtanced this caſe was, becauſe it was a memorable one, and is upon record.---You delivered to me, in my brother's counting-houſe, a copy of the advertiſement, upon which I think you wrote the words "For the London Packet "and Morning Chronicle."---When the trial came on, two years afterwards, at Guildhall, an indifferent witneſs, whoſe name I cannot preciſely recollect, proved the hand-writing in the ſame way as I have, if it can be called proof.---My brother was called before me, and he ſtated the facts; and one was, that you delivered to him one of thoſe copies, to be ſent round to the other papers; they were delivered to him and me; and you, in the courſe of your examination, admitted you gave it him for ſuch and ſuch a purpoſe. The record I ſpeak of is the printed copy of the Trial, from Mr. Gurney's notes, who is, I believe, the moſt accurate Note-taker of his time.---I don't know that I have ever ſeen you write but once; but ſome of your writing has paſſed through my hands ſo lately as the year 1791.

Q. Do you ſwear that is my hand-writing, or only that you underſtand it to be ſo?

A. That I think ſo. Then the very paper that I delivered, which was produced by the Solicitor for the Crown, in Court, was

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ſworn to by a third perſon, and in the courſe of the examination you recognized the fact.

Q. Then I underſtand you to ſpeak of that which was written nineteen years ago?

A. Yes; and partly refreſhed by ſubſequent writing of your own.

Q. What you did not ſee me write, but ſuppoſed to be my writing---The laſt time you ſaw me write was nineteen years ago?

A. Yes.

Q. Do you mean to ſwear that is my hand-writing?

A. I mean to ſwear to the beſt of my recollection and belief, from the reſemblance of hands, that it is your hand-writing.

Mr. Law. Be ſo good as look at this entry in the book.

A. I believe the body of it to be Mr. Tooke's hand-writing; the ſignature, "William Tooke Harwood, Chairman," appears not to be Mr. Tooke's hand-writing. The particular reaſon that makes me doubt it is, the *r*'s in the body of the paper and the *r* in the word Chairman are different.

Mr. Tooke. But all the reſt you take to be my hand-writing?

A. The body only.

Mr. Tooke. I only aſk the queſtion; the hand-writing may be fairly admitted. I think I could give to the proſecutor a great deal more than he has charged me with. I will not delay the Court with any more queſtions.

Mr. Law. It may be read.---It purports that Mr. Tooke was a Member of the Conſtitutional Society.

Mr. Tooke. Oh, I admit it---I admit all that that paper contains.

Mr. Garrow. Theſe are the minutes of a Meeting of the Conſtitutional Society on the 28th of March, 1794.

Mr. Tooke. If the Gentlemen will be ſo good as ſhew me any thing which I wrote, I will ſave them the time and trouble of calling witneſſes to it---I will admit it; if there ſhould be a doubt, then they may call witneſſes to it.

Lord Chief Juſtice Eyre. In a caſe of this nature, ſo extremely penal to the priſoner, I do not think that the priſoner ſhould be called upon by the Counſel for the proſecution to look at a paper and to ſay whether he thinks it is his hand, or whether he chooſes to acknowledge it or not.

Mr. Tooke. I offer it freely and willingly.

Lord Chief Juſtice Eyre. I ſee you do, but I ſhould not feel very comfortable if it happened that you had admitted, without proof, ſome paper of which more uſe was made afterwards than you at the time were aware of, or thought there could be.

Mr. Tooke. I proteſt, before God, I have never done an action, never written a ſentence, never uttered a ſyllable in public or private, I have never entertained a thought of any important political nature which, taken fairly, with all the circumſtances of time, place, and occaſion, I have the ſmalleſt heſitation now to admit; I chooſe my life and character ſhould go together. I wiſh to admit all I have ever ſaid, done, or written, to ſave time.

Lord Chief Juſtice Eyre. I ſhould prefer that the evidence ſhould take its courſe in the ordinary way, becauſe I do not think that any priſoner is quite competent to take upon himſelf to admit evidence which may be produced againſt him, the whole effect of which he may not happen to diſcover.

Mr. Tooke. If it was a matter of Libel I would not do ſo, but I will in a matter of High Treaſon, where ſubtle arguments cannot take place, as I imagine; and if they can, I deſire to be the firſt man that dies upon that doctrine: if any man is to die upon a doctrine of that kind, I am old enough to wiſh to be the firſt man, becauſe I am ſure I ſhall be the laſt. I anxiouſly wiſh to ſhorten the proceedings upon this trial, by admitting every thing I have ſaid, written, or done; I am not at all afraid of the conſtruction, I am not at all afraid of the conſequence.

Lord Chief Juſtice Eyre. I do not wiſh to depart from the ordinary rule that has prevailed in criminal caſes.

Mr.

Mr. Garrow. We wiſh to have the entry of the 28th of March, 1794, read.

(It was read.)

[*Vide Hardy's Trial, vol. 2. page* 105.]

Mr. Tooke. Is the inſertion of my name in that book evidence of my being preſent at the time?

Lord Chief Juſtice Eyre. It is certainly evidence to go to the Jury of your being preſent.

Mr. Tooke. My name being found in any book! that will be the moſt extraordinary evidence I have ever heard of; the bulk of the traſh that is to be found in that book I never ſaw or heard of before; but that every time that my name is to be found in the book, that that is to be evidence that I was preſent is a moſt extraordinary propoſition; if I wrote my name in the book, that would be evidence that I was there when I wrote it, but my name being written in a book does not prove my being there when it was wrote: if the Secretary were here he would prove that names of perſons were entered in that book who were there only at the beginning, or perhaps not at all; or if they were there, heard ſomething or nothing that paſſed. I could prove by evidence that repeatedly when my name is ſet down I was not there. A Society is nobody: the firſt ſix letters in the alphabet meet to-night, and they vote black---another ſix meet to-morrow night, and vote white; which ſix are the Society? And they may put down any names they pleaſe. If this evidence were to be admitted in a charge of High Treaſon, and it ſhould therefore follow that I partake of whatever is over or under my name, it would be the moſt extraordinary evidence that ever was admitted in a Court of Juſtice.

Lord Chief Juſtice Eyre. You are perfectly right, if the ſtate of the evidence depended entirely upon your name being found in a book in poſſeſſion of a Daniel Adams; undoubtedly, in order to prove your being preſent at theſe Meetings, they muſt go a great deal further---they muſt ſhew that theſe

are the books of the ſociety, they muſt give probable evidence that theſe were books which you had acceſs to, which you acted upon, and that you gave credit to the entries that were in it by ſome conduct of your's. This is only one ſtep towards the evidence, to fix you with being a perſon preſent at this Meeting.

Mr. Tooke. I think it will firſt make a ſubject for a ſerious argument as to my being preſent.

Lord Chief Juſtice Eyre. That is for the Jury.

Mr. Tooke. I ſubmit that what is or not admiſſible evidence is undoubtedly matter of law for the Court.

Lord Chief Juſtice Eyre. Undoubtedly, what ſhould be admitted as evidence.

Mr. Tooke. I take it that this evidence goes to other perſons; it may be true, or it may be falſe; but how is it poſſible for me to anſwer it, the leſs I know of it the leſs it is poſſible for me to meet it; I do not know what other perſons may poſſibly do.

Lord Chief Juſtice Eyre. Nor will you be required to give an anſwer to that which belongs to other men.

Mr. Tooke. The proſecutor can never prove that I had acceſs to the books, I would rather employ myſelf in playing with my fingers. I hope I have employed my time better, than in reading the ſame things over and over again, which for the laſt thirty years of my life have been written over and over again---it ſuits thoſe that begin, but it is thirty years ago, your Lordſhip recollects, when theſe ſort of things were going forward---when your Lordſhip was Recorder---and when we heard, and read, and ſaw all theſe things, and for me to come and read my alphabet over again! Theſe are common place things; I never read the book, I will anſwer for it, the Secretary never read it; and, be the thing it contains good or bad, I aſſure your Lordſhip not a ſingle member of the Society knows. Where we have been particularly concerned, each man knows what he did himſelf; and in the report of the Secret Committees there are exactly eighteen lines which I wrote; I underſtand by the

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ſtatement to-day, that theſe eighteen lines are offenſive—it is about the words "faithful" and "honourable" being withdrawn; and I defy any man upon earth to prove that a tittle beſides theſe eighteen lines contained in the report of the Secret Committee was written by me. The bulk of the things, it will be proved by their own evidence, I diſliked and objected to, not becauſe I thought they were criminal or treaſonable; for I ſhould be aſhamed to be defending myſelf from facts which I conceive to be innocent: firſt, I meet the fact; if the fact is proved upon me, then I will ſhew it not to be treaſonable: but I ſhall be compelled to refuſe to admit the papers, becauſe I had no ſhare in them. In ſome of them there is a great deal of merit, but not having been concerned in them I really have not a ſhare in that merit, which I think belongs to other men; and when I defend myſelf from theſe things, I beg I may not prejudice other men, for I do not conſider them as crimes, but I was not preſent; and before your Lordſhip admits this as evidence, I intreat your Lordſhip will hear my Counſel argue it as to matter of law. I hope I am forgiven for ſaying ſo much about it.

Lord Chief Juſtice Eyre. A perſon in your ſituation is heard with attention, whether it makes directly to the point or no; you have ſpoken properly to the point at preſent; I can only recommend to you not to break in upon parts of the evidence, but to wait patiently till the whole evidence to that head is concluded, and then if it is not fairly brought home to you, I ſhall tell the Jury that it has no fair application.

Mr. Tooke. I think I am bound by law to meet every thing if it is not fairly evidence.

Lord Chief Juſtice Eyre. It is difficult to ſay what is or not evidence in itſelf, becauſe it all depends upon the chain and connection it has—if there are two or three links in the chain, they muſt go to one firſt and then to another, and ſee whether they amount to evidence; if you ſuſpect that what they have to offer is not evidence, and not of that nature, you may call upon them to ſtate in what way they mean to

bring this home to you---that would be proper enough. At preſent they ſeem to me to be going on in the regular courſe.

Mr. Tooke. I beg your pardon, my Lord, but is not a chain compoſed of links? and may I not disjoin each link, and do not I thereby deſtroy the chain?

Lord Chief Juſtice Eyre. I rather think not, till the links are put together and form the chain.

Mr. Tooke. I rather think I may, becauſe it is my buſineſs to prevent the forming of that chain.

Mr. Erſkine. The reaſon why I find myſelf diſpoſed to give your Lordſhip ſo very little trouble in the courſe of the evidence, is not only becauſe I recollect that all that your Lordſhip is hearing read is very much the ſame that your Lordſhip and we have heard read, and have ſeen done, ſeveral years ago; but that my memory, which is not ſo extenſive, and cannot at my time of life be ſo great, extends at leaſt to recollecting that laſt week, or the week before laſt, when all the matter which has been propoſed in the opening of the Solicitor General to be read, was read---was ſubmitted to the conſideration of this very Court, and to the conſideration of a Jury, in a caſe where the priſoner at the bar was the compoſer of moſt of the writings in queſtion (to which my preſent client ſtates himſelf to be a ſtranger), and who, in the ſequel of the cauſe, when your Lordſhip came to diſcharge the duty caſt upon you by the law ſtated (and with the aſſent of us, who were Mr. Hardy's Counſel), that we had never contradicted that he muſt be taken, as being the author of them, to be implicated in every part of them, and reſponſible for his conduct. Your Lordſhip was pleaſed to declare from the bench, that the contrary of that propoſition had been faintly aſſerted at the bar, as indeed it had ſcarcely been aſſerted; and, notwithſtanding the office I hold here---and I am perſuaded I ſhall have the juſtice done me to be believed when I ſay, that no man feels more acutely than I do my ſituation, ſtanding as Counſel for a priſoner for Treaſon---yet, I ſay, I have felt no emotion at all in hearing theſe papers read, the quality of which I conceive has already had a ſatisfactory judgment of a Jury.

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Be that as it may, ſince my client wiſhes I ſhould ſay a few words to your Lordſhip upon this ſubject, I will do it, not at all anxious upon his account, whether I ſhall prevail or not; but if it ſhould turn out that I ſhould be well founded in the little I ſhall have to ſay, in point of law; I ſhall be glad to ſay it, on account of the miſchief that may otherwiſe follow to others, though none can to the Gentleman behind me.

I underſtand, from the opening of the Solicitor General, that he means to ſay—means to ſay!—he has ſaid it—that all theſe writings, taken together; all theſe *writings*——for to day, your Lordſhip will recollect, we have heard nothing of arms, nothing of force, no one act of hoſtility in contemplation proved, nor ſuggeſted——but the Solicitor General has been pleaſed to ſay (from what authority will by and by be enquired into, if I have ſtrength to make the inquiry), that all theſe acts, taken together; all theſe correſpondencies—correſpondencies of whom? Correſpondencies held between people, whom it cannot appear that Mr. Tooke ever ſaw; and your Lordſhip will pleaſe to recollect that I am now ſtanding——principiis obſta, is a good motto——I am ſtanding now upon the production of the firſt page of written evidence; your Lordſhip, indeed, has been in Court when the Solicitor General opened his caſe; but I aſk the Court, unleſs his caſe had been made up of materials, of which, I hope, no Crown brief will ever be again made up, namely, of accuſatory matter from the two Houſes of Parliament, which is to be read, printed upon the trial of a priſoner, your Lordſhip could not give credence to any part of it at all, nor conſider it as any thing more than the mere inſtructions which a Counſel at the bar has from any client to ſtate that client's caſe.

Then the overt act, upon this record, is for conſulting to call a Convention, and that Convention is ſuppoſed to be a Convention to ſubvert the fundamental Government of this Country, and to be therefore an act ſufficiently evidencing an intention to depoſe and put the King to death; and the firſt ſtep, or, to uſe my client's expreſſions, the firſt link of this chain is, that in the poſſeſſion of a Daniel Adams, who is not yet called as a witneſs,

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in his cuſtody, upon his apprehenſion, was found this book. It is not in evidence yet that any ſuch Society, as the Conſtitutional Society, exiſted at all; neither is it in evidence that this Daniel Adams, in whoſe cuſtody this book was found, was the Secretary of that Society; and that cannot be proved but by calling the man himſelf, or proving, from the mouth of ſome other perſon, that he ſtood in that ſituation. Your Lordſhip then has a book, which, *non conſtat*, Mr. Tooke ever ſaw, which, *non conſtat*, ever was in the place where this Society, called the Conſtitutional Society, was ſuppoſed to have exiſted; but you have a book, with a white parchment cover, which a Meſſenger of the King ſeized in the poſſeſſion of a man, between whom and the priſoner at the bar no privity whatever is proved; for it does not appear that the priſoner was acquainted with Adams, had any converſation with him, or had even ever ſeen him.

I have always underſtood it to be a clear rule of evidence, that the beſt evidence, which the nature of the caſe will admit of, muſt be produced, and that you ſhall not have recourſe to ſecondary evidence; and for this reaſon, that the production of the ſecondary evidence affords a preſumption, that if the ſuperior and primary evidence were produced, it would make againſt the party producing that which is ſecondary; that is the reaſon given by Lord Chief Baron Gilbert, and it is what every man's own ſenſe ſuggeſts. But it is ſaid—and I feel the force of what your Lordſhip ſays, as far as it extends—perhaps this may not ultimately come home to the priſoner, and, if it does not, it paſſes harmleſsly over his head; he cannot be affected by any evidence read here, if it ſhall turn out in the ſequel that the Crown does not ſucceed to faſten the evidence upon him.

Now this is taken to be a component part with other writings of that which will conſtitute—what, a libel? No, my Lord, but which will conſtitute an overt act of High Treaſon, for compaſſing the King's death. Will your Lordſhip, therefore, in a caſe of High Treaſon, have reſort to a ſpecies of proof which you know you could not have recourſe to in a lower ſpecies of offence; for, let me ſuppoſe, that the crime charged upon Mr. Tooke was

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the having publiſhed this as a libel, as having been conſenting to the writing of it, or conſenting to the publication of it, or having been implicated, in any one reſpect, in giving it an exiſtence, or in giving it currency, might it not equally have been ſaid, read the paper firſt; when the libel is read, if it does not afterwards come home to the priſoner, he will not be anſwerable for its contents; and he cannot ſuffer, certainly, becauſe it happens to have been read to the Jury upon the mere evidence that ſuch a paper exiſted.

Now, for inſtance, ſuppoſe this, as I am now putting it, inſtead of being an overt act of High Treaſon, was, that the people, whoſe names have been read here, had publiſhed this as a libel, and that they were indicted for a conſpiracy to publiſh this libel, would it be ſaid that this ſhould be read as evidence againſt the priſoner, before his connection with it is proved to have had an exiſtence? I take the reaſon of that to be this---and I take the reaſon of it to be founded in great wiſdom---in that which, in my opinion, forms the glory of the Engliſh law in all its parts, in an acquaintance with the human character, in the recognition of all that belongs to the principles of the human mind, in the recollection of our wiſe anceſtors that men are not angels, that they carry about them, and your Lordſhips even carry about you, all the infirmities of humanity; and that it therefore ſhall not be permitted to make a ſtrong impreſſion upon the minds of men, by reading matters at which——though I will not ſay that this matter is ſo, I am arguing upon general principles——at which the mind of man revolts; and ſo, in the courſe of a long trial, the Jury afterwards cannot diſcharge from their recollection what they have heard; they do not remember with preciſion whether that, which was read, was brought home to the priſoner; and then they mix up, in their imagination and recollection, matters which they may diſapprove, with diſapprobation of the perſon who is on trial before them. I take that, with humility, to be the principle; then, if this is ſo, how can it poſſibly ceaſe to be the ſame principle, when you conſider the nature of the crime?

My Lord, I do not affect to know, with great precision, all that has paſſed upon one of the moſt ſolemn trials, moſt undoubtedly, that has happened for many, many years in this kingdom; and which moſt undoubtedly, as I ſaid upon a former occaſion, I moſt ſincerely hope, for the honour of the Country, will be the laſt of that deſcription—I ſpeak of the trial, by impeachment, of Warren Haſtings. If I do not miſtake very much, and I think I do not, this very queſtion was brought for the conſideration of the Judges upon that trial; whether a paper, which paper ſought to implicate in criminality the priſoner at that bar, ſhould be read againſt him, even if it could be found in his cuſtody, unleſs it could be ſhewn, by evidence, that he was acquainted with its contents, and had ratified and recognized, and given it effect. I am ſpeaking in the hearing of an honourable and learned Gentleman, one of the Counſel for the Crown, who, very probably, may have an opportunity of correcting me in ſtating what I underſtand. But my learned friend and I have recently conſidered this matter, and we certainly are not able to diſtinguiſh, becauſe it was argued with the greateſt ingenuity there, juſt as it is argued here, that if it does not come ultimately home to the perſon who is to be accuſed by it, he is not to be affected by it; but it was anſwered by the Judges, as I hope it will be by your Lordſhips to-day, that it muſt, firſt of all, be brought home to the perſon who is to be affected by it, before it is ſuffered to be read; for, after it is read, the effect is had, and that is the danger I complain of. Having done ſo, I do beg that your Lordſhips, and the Gentlemen of the Jury, may recollect—I beg pardon for ſaying the Gentlemen of the Jury, I addreſs myſelf to the Court—and I wiſh, my Lord, that it may be recollected that I ſhewed no diſpoſition to; on the contrary, that I rather hung back, from the argument, becauſe I conceived then, as I conceive now, that the matter, which is contained in this book, when it is explained, all which the Solicitor General has himſelf ſtated, will, moſt undoubtedly, not produce any effect which I have any occaſion to ſhrink from, ſtanding in this place,

either

either as I repreſent the priſoner at the bar, or any other perſons liable to be tried for the ſame ſpecies of offence.

Lord Chief Juſtice Eyre. We are entangled in a little puzzle about this ſpecies of evidence. If the queſtion is, Whether it is now to be read? I think the objection is good. If the queſtion is, Whether it is evidence admiſſible, not yet to be read, but to be read, or not, as other evidence ſhall bring the matter of it ſufficiently home to the priſoner? Then the objection is ill founded; but I think you are certainly right in ſaying, that it is not evidence merely from the finding of it upon Adams; it is not ripe to be read; and it was not read, I recollect now, in the former caſe, until Adams himſelf had been called, and had proved that this was the book; and that, in this book, were regularly and truly entered, all the proceedings of this Society.

If it had gone to the length of the proof, that Mr. Horne Tooke was a member, and that this was a book in which the proceedings of the Society were regularly entered, then it would be evidence to go to the Jury, ſubject to all thoſe obſervations that might be made upon it, the entries being careleſsly made or entered, in the abſence of a particular member.

Mr. Bower. The parts wrote by Mr. Tooke himſelf muſt be evidence.

Lord Chief Juſtice Eyre. Certainly, but I do not apprehend that goes to this entry.

Mr. Garrow. Mr. Horne Tooke ſaid he was a member of the Conſtitutional Society.

Mr. Tooke. Mr. Garrow muſt not ſlide in upon us any thing that has not yet been decided. I paſs it by at preſent. I acquieſce in what your Lordſhip has decided. If the Counſel for the Crown ſhould at any time, while we are talking upon another queſtion, ſlide in ſomething that ſhould be taken as granted, I beg I may not ſo be underſtood to have admitted.

Lord Chief Juſtice Eyre. You do right to make your objection at the time.

Mr.

Mr. Tooke. I admit I paid a guinea a year for the laſt ten years, to go into a room that other perſons had a title, upon the ſame circumſtances, to go into, but I was not a member of a Corporation; I was not accountable for any thing that paſſed; I could not be accountable, by my pocket, for a farthing, and therefore it would be ſtrange if I ſhould be anſwerable with my life.

Mr. Garrow. I humbly intreat permiſſion of the Court to make one or two obſervations, from the very uncommon ſituation into which the priſoner at the bar has put me. I hope that, upon any occaſion, when called upon to diſcharge a profeſſional duty, ſtill more upon ſo important an occaſion as this, I ſhould not diſgrace myſelf by any want of candour, decorum, or propriety. My Lord, I may tranſgreſs, but, whenever I do, I hope that the members of my profeſſion will do me the juſtice to believe, from what they have ſeen of my conduct, that it muſt be from that error to which we all are liable, but not from intention. I cannot, upon ſuch a trial as this, which is every day, in ſome ſhape, correct or otherwiſe, publiſhed in the newſpapers; and I have great reaſon perſonally to complain, manifeſtly and purpoſely, not correct with reſpect to myſelf, in the courſe of the laſt trial. I cannot permit all the newſpapers of to-morrow to ſtate, that Mr. Tooke had found it neceſſary to complain, upon the firſt production of papers, that Mr. Garrow had thought fit to endeavour to ſlip ſomething in. Let it be diſtinctly underſtood what is done; let my conduct be diſtinctly viewed, and then, thoſe who ſeek to point me out by miſrepreſentations by name, by advertiſements paid for, cannot repreſent it unfavourably to me, whatever their object may be. All this will not deter me from doing my duty, under the Conſtitution which I am happy to be the ſubject of; for I think, to uſe the language of a very learned Judge, that a man cannot die too ſoon, when he dies doing his duty. Let it then be underſtood what it is I have been doing. This book was produced; nobody could doubt, that, to read the hand-writing of the Gentleman at the

bar,

bar, it was competent evidence. We have Mr. Adams to go through thoſe other ſtages which we have known by experience it was neceſſary to go through, in order to make that whole book evidence. In the courſe of this, Mr. Tooke propoſed to make ſome admiſſions, and, upon its being ſtated, that this was to prove him a member of the Conſtitutional Society, he ſaid, or I miſunderſtood him, that he was a member of this Conſtitutional Society. I am not repeating that, in order to ſlip in ſomething in the hearing of the Jury; I am above that practice; in the loweſt cauſe that could ever be truſted to me, I do not deſire to get a verdict for any body, or by any means, by means which diſgrace all that attempt them by ſuch means. I know we are upon a public theatre, that we have the eyes of a great public upon us; and that we muſt conduct ourſelves with propriety —we *muſt* do ſo, there is no merit in doing it.

What is it I have been doing? Not in a whiſper, not aſide to the Jury, to make an impreſſion upon them;——I ſaid, that it did happen, as it appeared to me that Mr. Tooke had himſelf ſaid he was a member of that Conſtitutional Society.

I do intreat Mr. Tooke to believe, that I can have no perſonal wiſhes; he and I have met, upon former occaſions; I have thought that nothing had ever paſſed between us, and that he had never ſeen any thing in my character that could induce him to believe I had any; but I muſt diſcharge my duty: I hope from his candour, as well as my friends, that they will not take theſe opportunities to throw out theſe ſort of inſinuations, which cannot have the effect to deter me from doing my duty. I beg pardon of the Court for having treſpaſſed on their indulgence, but, when ſuch an obſervation as that was made by a Gentleman who does not make any obſervation lightly, I did think ſome vindication of myſelf was neceſſary.

Mr. Tooke. I beg to make an apology to Mr. Garrow.—I did not mean to impute any thing to him: I only thought it neceſſary for me, in a ſituation where I am ſo materially engaged, to prevent any miſapprehenſion. I did not mean any ſort of reproach to him, nor that any reproach ſhould fall upon him, nor any re-

reproach in the newſpapers, which I have not had any concern with for twenty years. As to calumnies in newſpapers, I have a volume of newſpapers here full of calumnies. I have read in a book, formerly, curſed is he who reviletb the deaf.—My Lord, I have been deaf, blind, lame, and dumb, for many months paſt, and there has not paſſed a ſingle day, while I was bound hand and foot in cloſe and ſevere cuſtody, that papers, paid by the Miniſtry, have not charged me with guilt, and with facts abſolutely falſe; and, the Attorney-General, who is ſo careful a *cenſor morum*, will, I am ſure, do me juſtice hereafter; whether I eſcape with my life, or not, he will take care that the juſtice of this Country ſhall not be run down in the manner I can ſhew your Lordſhip. There is abuſe even printed on earthen ware as well as ſermons, books, ſongs, and newſpapers, full, at which I might be angry as well as that Gentleman—I am ſure I meant him no wrong; he never did me any; nor did I mean him any diſgrace; and if it will do any good to his character, let it be ſaid in the papers to-morrow, that I humbly beg his pardon.

Mr. Garrow. Mr. Tooke has carried his apology much further than I wiſhed.

Lord Chief Juſtice Eyre. I have permitted this explanation to go to its full length. I hope, on all ſides, that there may be no occaſion for any diſcuſſion of this ſort again; it is very unpleaſant. If every body were to ſtate their complaints of the calumny of newſpapers, we might put an end to this trial, and liſten to nothing elſe.

Mr. Attorney General, to Mr. William Woodfall. Do you know the hand-writing in this book? *(ſhewing it to the witneſs).*

Mr. Tooke. That book is all my hand-writing.

Mr. Woodfall. I believe it to be Mr. Tooke's.

Mr. Attorney General. What is the title of it?

Mr. Woodfall. It is written, on the outſide, "Conſtitutional Club."

Mr.

Mr. Daniel Adams (ſworn.)

Examined by *Mr. Bower.*

Q. Have you been Secretary to the Society for Conſtitutional Information for ſome years paſt?

A. Yes.

Q. How many years have you been Secretary?

A. Ten.

Q. Is that one of the books, containing the proceedings of the Society?—(*ſhewing it to the witneſs.*)

A. Yes.

Q. Are the entries made in theſe books made by you, in the capacity of Secretary to that Society?

A. Yes.

Q. Mr. Tooke was a member, as he admits, during the laſt ten years; if you turn to theſe entries, you will ſee the names of perſons ſtated as being preſent. My queſtion is, Did you put down the names of ſuch as were preſent, or of perſons that were not preſent?

A. I put down the names of thoſe that were preſent, and not preſent; I will explain myſelf:—they came into the room, and their names were put down; it frequently happened, that they went away ſoon after their names were put down.

Q. Did you put down perſons who were not preſent, at ſome time or other, of thoſe evenings, when their names were put down?

A. Some gentlemen frequently dined together; their names were put down whether they went away as ſoon as dinner was over or not, as attending the whole evening.

Lord Chief Juſtice Eyre. Were their names put down before they went to dinner?

A. At ſeven in the evening their names were put down, though, perhaps, they were not there at ſeven in the evening.

Lord Chief Juſtice Eyre. At ſeven in the evening the Society was formed?

A. Yes.

Lord Chief Juſtice Eyre. And were, then, all the names of the perſons that had been at dinner put down, whether they remained at the hour when the Society was formed or not?

A. Yes, If they were members of the Society.

Mr. Bower. How did you begin the buſineſs, and what was the firſt thing done at each night of their aſſembling?

A. The firſt buſineſs was to enter the names, and to read over the minutes of the laſt meeting.

Q. Were the books produced then, with the reſolutions, and the entry of the laſt meeting inſerted in them, at every ſubſequent meeting, ſo as to be read at the ſubſequent meeting?

A. Yes.

Q. And was it the practice of the Society, that the acts of the former meeting were read at the ſubſequent meeting?

A. Yes.

Q. Whether Mr. Tooke, as a member of this Society, had, or not, opportunities of recourſe or reſort to theſe books; and whether there are any entries, or any corrections in Mr. Tooke's hand-writing?

A. I do not know that there are any corrections in Mr. Tooke's hand-writing in the books.

Q. Were the books laid for the inſpection of the members at the meetings?

A. During the meetings, at no other times.

Q. Was Mr. Tooke a frequent attendant there, or only ſeldom?

A. He was frequently there.

Q. Was he as frequently there as any other member of the Society, that you can recal to your recollection?

A. He was frequently there; but, living out of town, he did not often ſtay quite ſo long as other members.

Q. But was he in the habit of being at the Society at the time theſe books were produced, after the dinner was over, and the dinner party broke up?

A. Very often; it could not always be the caſe.

Q. Was he generally, or only ſeldom?

A. He

A. He was frequently.

Q. Did you copy into that book from other minutes?

A. Yes.

Q. Given to you by other perſons; I confine my queſtion to minutes given by Mr. Tooke?

A. I cannot ſay that, they were handed up to me from different people in the room.

Q. Look at that book; is that one of the books of the Society?

A. Yes; but ſome of theſe entries were before I was Secretary.

Q. Is it a thing you put down at random, or do you put it down as certain that perſons are in the chair whom you put down as being in the chair?

A. As being in the chair; but they do not always remain in the chair.

Q. When there are two chairmen in one evening, is that always noticed?

A. It is ſometimes, but not always noticed.

Q. I underſtand you, that you never enter a perſon as being in the chair that was not in the chair, though he may not have ſtaid all the evening?

A. Certainly not.

Q. I before aſked you whether that book contained a true ſtate of the proceedings of the Society?

A. As far as I know, as far as I have copied; I do not know that I have copied them correct; I do not know that I have not made any miſtake.

Q. But you have not made any wilful miſtakes?

A. No.

Mr. Daniel Adams,

Croſs-examined by *Mr. Tooke.*

Q. I have nothing to aſk you that you will have any difficulty in anſwering. A gentleman tells me, which I hardly knew, that the names were taken down upon paper, corrected by

different perſons, and that you copied them afterwards into the books of the Society, ſometimes the ſame night, but moſt commonly after—was it ſo or not?

A. The minutes certainly were ſo, the names were generally put upon one paper, and the reſolutions were ſlips of paper frequently, moſt generally.

Q. Did you enter them the ſame night, or at other times?

A. At other times, three or four days after; before the Friday following.

Q. That the Court may perfectly underſtand the examination that has been had, I would aſk, was there not what was called a Conſtitutional Club, a dinner meeting, beſides the Society for Conſtitutional Information?

A. Yes.

Q. That dinner club, of which the Gentlemen have the green book, contains nothing but the names of perſons who dined there?

A. I believe nothing elſe—I never ſaw much of it.

Q. Do you remember that there was a regular dinner?

A. Surely.

Q. At what hour?

A. Four, or a quarter paſt four—I believe four exactly.

Q. Was that dinner company only of perſons members of the Society, or viſitors, and others?

A. Of every Gentleman that any perſon thought proper to bring with him.

Q. How many years have you been Secretary of this Society?

A. I believe ten years.

Q. Was I a member before you was Secretary, or afterwards?

A. Before.

Q. When firſt you was a candidate to be Secretary to the Society for Conſtitutional Information, was it, or was it not, known and declared that you had a place under Government at the ſame time?

A. Yes;

A. Yes; it was known that I had.

Q. Was it known that you had permiſſion from ſome perſons belonging to the board where you had a place, to become Secretary to the Conſtitutional Society?

A. Certainly not from the board.

Q. Some perſons belonging to the board?

A. Not by ſome perſons that belonged to the board.

Q. By ſome perſon?

A. It was underſtood ſo by a very particular friend of mine ten years ago, that I was Secretary to that Society.

Q. That it would not be offenſive to the board?

A. I do not know that it went ſo far as that.

Q. Have you the books of accounts of the Society for Conſtitutional Information, or were they ſeized with the other books?

A. They were ſeized with the other books.

Q. Do you recollect what was the uſual ſubſcription paid by the different members of the Society?

A. A guinea a year.

Q. Was the Society very rich?

A. Never.

Q. What ſum of money do you think all the ſubſcriptions together might amount to in a year?

A. About ſixty pounds, but I do not know exactly.

Q. How much of that went for the regular expences of the Society, the Secretary, the room, paper, pens, ink, meſſengers, and ſo forth?

A. At that time about fifty pounds.

Q. Then there was about ten pounds a year left to overturn the Government with; were you generally in arrears, or in advance?

A. In advance generally to the Society.

Q. I aſk this queſtion only to ſhew the riches of the Society; how capable they were to overturn the great weight of Government. Do you recollect any thing of the 25th of October, 1793; do you recollect ſome motion that was made for another

meeting to be called for the purpoſe of taking into conſideration whether they would or not ſend Delegates to the Britiſh Convention in Scotland?

A. I cannot charge my recollection.

Mr. Bower. If you entered it, I preſume it will be found in the book?

Mr. Tooke. Turn to the book, the 25th of October, 1793, if you pleaſe. It is not to delay the time of the Court.

Lord Chief Juſtice Eyre. Do not imagine that we think ſo, go on in your own courſe.

Mr. Tooke. Do you find Mr. Tooke's name there?

A. Yes.

Q. Do you now recollect what paſſed at that meeting; do you recollect that an extraordinary meeting was propoſed to be held?

A. I remember there was ſuch a thing.

Q. Was Mr. Tooke preſent at that time?

A. I do not believe that he was.

Q. Cannot you, by the circumſtances, be ſure that he was not?

A. Yes; I am certain he was not, becauſe he went away very early.

Q. That was an extraordinary meeting called for the purpoſe of conſidering whether they ſhould ſend Delegates to the Britiſh Convention?

A. He certainly was not.

Lord Chief Juſtice Eyre. Then what you ſay is, that Mr. Tooke was not there at the time that propoſition was made.

A. He was not.

Lord Chief Juſtice Eyre. Had he been there before?

A. Yes; and was gone.

Mr. Tooke. Do you recollect that for the purpoſe of that extraordinary meeting, which was held on the 28th, only three days after, you were directed to ſend ſummonſes to the different members?

A. I do.

Q. Is

Q. Is not that a circumſtance by which you recollect that I was not there at the time?

A. It is.

Q. Do you recollect that you did not ſend a ſummons to me upon that occaſion, but that two members of the Society undertook to come down to inform me of it?

A. I do.

Q. Do you remember the names of thoſe perſons who undertook to inform me of that extraordinary meeting?

A. I believe I do.

Q. Mention them?

A. I think they were Mr. Sinclair and Mr. John Williams.

Q. When the extraordinary meeting was held on the 28th, do you recollect whether I was there, or not?

A. You was not there.

Q. Have you good reaſons to know that I oppoſed ſtrongly, and diſapproved with anger, the ſending of thoſe Delegates to the Britiſh Convention in Scotland?

A. I certainly have.

Lord Chief Juſtice Eyre. What reaſon have you to know that?

A. From a converſation with Mr. Tooke himſelf.

Mr. Tooke. Have not you other reaſons; had not you converſations with other perſons?

A. It was the general opinion that Mr. Tooke objected to it; it was the opinion of Mr. Sinclair and Mr. Williams, I believe, who waited upon him.

Q. Can you recal to your memory any perſons wrangling with me afterwards for that opinion of mine; can you recollect at any ſubſequent meeting any angry, any ſtrong words between me and any other member, becauſe I did not attend that meeting, becauſe I did not approve of that buſineſs?

A. I cannot recollect; but I know it was underſtood by moſt of the members, or all of the members preſent, that Mr. Tooke did not attend that meeting becauſe he diſapproved of the meaſure.

Q. Do you recollect a report among different members of the Society in conſequence of that, that I was bribed by the Government?

A. Yes.

Q. Was Mr. Yorke a member of the Society for Conſtitutional Information?

A. I never underſtood that he was.

Q. I mention it becauſe it has been ſtated to-day that he thro' illneſs did not go to the Britiſh Convention where he was ſent. Do you underſtand why he did not go?

A. Becauſe he wanted money.

Q. Was there any money for Mr. Yorke?

A. None.

Q. Was there much money for Mr. Sinclair?

A. Hardly any.

Q. Did you ſend him a letter in anſwer to his requeſt for money?

A. Yes.

Q. Of what nature was it?

A. Adviſing him to come home, as it was the general opinion that he had better not be there.

Q. The general opinion of whom?

A. Of the Society.

Q. Then you underſtood this to be the purport of Robins's letter to him?

A. The letter is here, I wiſh to refer to it.

Mr. Tooke. If the letter is here, I hope it will be produced?

Mr. White. What is the date of it?

Mr. Tooke. September or October, 1793. It ſhows that the whole Society, except four or five, were extremely angry at the meaſure, and would not ſubſcribe two-pence to it, becauſe they did not like it. Do you think I ever ſubſcribed any thing upon that ground?

A. I think Mr. Tooke did not.

Q. I ſuppoſe the liſt can be found?

A. This

A. This is one of my letters; I do not know whether it is that which Mr. Tooke refers to.

Q. Is it the diſcouraging letter?

A. It is one of the diſcouraging letters; I wrote more than one diſcouraging letter to him.

Mr. Attorney General. Whoſe hand-writing is that letter, and how much of it is Mr. Tooke's?

A. I never ſaw the hand-writing in my life, till I ſaw it at the Society's, nor do I know whoſe hand-writing it is.

Q. Look at the back of it?

Mr. Tooke. What is written on the back is my hand-writing. Do you recollect to what time the Society adjourned after the ſending of Delegates to the Britiſh Convention on the 28th of October?

A. To the 8th of November.

Q. To what time did they adjourn from the 8th of November?

A. To the 6th of December.

Q. On the 6th of December, to what time did they then adjourn?

A. To the 10th of January.

Q. So it appears that the Society ſo little liked the buſineſs, which four or five members had done; that during the ſitting of the Britiſh Convention, and when the Delegates wanted ſupport, they firſt adjourned for a month; then met and adjourned for five weeks; that does not ſhow great eagerneſs in that cauſe. Look to the 21ſt of June, 1793, to the names of the perſons who were then preſent; do you find Mr. Yorke's name there?

A. Yes.

Q. Do you recollect that you objected to his being preſent, ſuppoſing him not to be a member?

A. I do.

Q. Do you recollect that the gentlemen preſent intended then to have adjourned to the next winter; and can you recollect any member, then preſent, ſtrongly endeavouring to perſuade the Society that ſomething ought to be done, by way of declaration, or ſomething or other?

A. Yes

A. Yes.

Q. Do you recollect that Mr. Yorke puſhed very hard for another meeting?

A. Yes.

Q. And that another meeting was held to oblige him?

A. Yes.

Q. And that an Addreſs was ordered by the Society to be drawn up to the nation?

A. Yes.

Q. And that it was never drawn up?

A. Yes.

Mr. Tooke. I do not know that Mr. Yorke has ſaid or done any thing improper; if he has it muſt be pinned upon his back; a gentleman meets in a Society, and propoſes ſomething which others do not approve, and they negative his motion; he goes 300 miles off and there he does ſomething which is thought to be, or might be wrong, that is attempted to be given in evidence, to faſten it upon thoſe men who would not ſuffer him to do it in the place where they met him. I draw this from the evidence to ſhew your Lordſhip upon what theſe treaſons are built.

Lord Chief Juſtice Eyre. It will depend upon the ſubſequent conduct of the other perſons with regard to that.

Mr. Tooke. It has been done in this ſpeech, but I do not know that there is any harm in this very ſpeech of Mr. Yorke's.

Lord Chief Juſtice Eyre. If it be that Yorke's ſpeech was printed and brought back to that Society and then approved of, though it could not be imputed to the Society in reſpect of their former conduct towards Yorke, it would be imputed to them in reſpect of their ſubſequent conduct.

Mr. Tooke. I agree; that becauſe then they could do ſomething themſelves. That was in the laſt trial endeavoured to be put upon Hardy; and it happened that what Mr. Yorke endeavoured to ſay in London, and was prevented, he went to Yorke or Sheffield, and ſaid it there; that was endeavoured to be put upon Hardy.

Lord

Lord Chief Juſtice Eyre. Hardy had no wrong done him in that reſpect; becauſe there was evidence to bring home the conduct of Yorke to Hardy.

Mr. Tooke. But your Lordſhip will ſee the wrong that will be done us, if what is done by one is to be imputed to the whole; it is not a corporation, it is a non-entity.

Lord Chief Juſtice Eyre. I am perfectly aware of that.

Mr. Tooke. I certainly remained when many reſpectable characters quitted the Society: the Duke of Norfolk, the Duke of Richmond, and many others; they had reaſons for quitting; but becauſe I was more conſiſtent than them, it would be very hard that I ſhould be thought more criminal. Mr. Adams, you know that I lived at ſome diſtance from London?

A. Yes.

Q. Have you ever been at Mr. Tooke's houſe?

A. Yes.

Q. Do you know that his family is very ſmall?

A. Yes.

Q. Do you know that his gardener goes to bed at nine o'clock, and gets up to work in the morning at four o'clock?

A. I cannot tell that.

Q. Do you know Mr. Tooke deſired to get home very early?

A. Yes.

Q. And frequently went away when the Society met.

A. Yes.

Q. And that ſometimes he ſtaid to make up nine for a ballot, and then went away?

A. Yes.

Q. Do not you know that you have frequently requeſted me to ſtay in order to prevent the Society doing any act. Do not you know that for upwards of two years my declared opinion to you was, that the Society ſhould lay upon their oars, and adjourn to as diſtant days as they could.

A. Certainly.

Mr. Tooke. I muſt be a very uncommon leader, my Lord. Mr. Adams, Do not you know that I was always ready to

ſign

ſign any thing that you wiſhed not to ſign. Did I or not, always ſay, that I never would conſent to any thing which I would not myſelf ſign?

A. I think you have always ſaid ſo.

Q. Have I not ſometimes done ſo?

A. Frequently.

Q. Do you know who was called the father and founder of that Society?

A. Major Cartwright.

Q. Have you ever read the Report of the Secret Committee of the Houſe of Commons?

A. No.

Q. Did you ever read the books and papers, except thoſe which were ſent to the Society for Conſtitutional Information; were you acquainted with the books, papers, and communications of other Societies?

A. Certainly not.

Q. Was it the cuſtom with members of the Society for Conſtitutional Information, when they met, to read over the books of their own Society?

A. O, no.

Q. Not being a partnerſhip book in which their fortunes were much concerned, they did not trouble themſelves then much to know what had been entered in it at different times?

A. No; they hardly ever looked at it.

Mr. Tooke. I aſked this queſtion that the proſecutor may perceive, that ſo far from being accountable for that monſtrous collection of different Societies, that they did not know their own collection; they never read what was in their own books.

Lord Chief Juſtice Eyre. Do you mean a different reading from the minutes—I think you ſaid the minutes were read over always before you began your buſineſs?

A. Yes.

Lord Chief Juſtice Eyre. That they were in the habit of reading the former minutes?

A. Yes.

Mr. Tooke. They were laughing and talking of ſomething elſe;

elſe; there is nothing much, your Lordſhip will ſee if you look at them, to engage any body's attention.—Do you know, or can you recollect, that when I could not ſtay, you have ſpoken to ſome particular friends to beg them to get an adjournment of the Society?

A. It may have happened once or twice, I don't know that it has more.

Q. What was uſually the number, as well as you can recollect, one time with another, of perſons who met together at that Society?

A. I ſhould not ſuppoſe more than ten, upon an average; there have been thirty, and ſometimes not more than five.

Q. Were they armed with pikes or muſkets?

A. No.

Q. Did you ever hear any talk of any thing of that kind in the Society?

A. Never in my life.

Q. Were all the members of the Society, do you believe, of the ſame way of thinking?

A. No; I think not.

Q. You believe there were ſometimes debates?

A. Yes.

Q. And ſometimes a contrariety of opinion?

A. Greatly ſo.

Q. Was there ever in the Society ſuch a thing as a Secret Committee?

A. Never.

Q. Was not every thing tranſacted openly and publicly?

A. Yes.

Q. There were many orders, I perceive, frequently Committees of Correſpondence, were there not?

A. Yes; frequently.

Q. Did they ever correſpond or write any thing?

A. I do not believe there were above one or two letters ever wrote.

Q. In the courſe of the ten years?

A. Yes.

A. Yes.

Q. I ſee in the reports that vaſt numbers of papers were ordered to be printed, a hundred thouſand, I believe, once, to be ſent to all the Correſpondents in England, France, Scotland, and Ireland; were any papers printed?

A. Shall I trouble you to know what reſolution it was?

Q. I do not recollect; but were there ever a hundred thouſand printed of any thing?

A. No; nor a quarter of the number. I do not mean to ſay that there ever were more than five or ſix thouſand of any.

Mr. Attorney General. I underſtood you to ſay, that a hundred thouſand were ordered to be printed, but that you do not know of more than five thouſand being printed?

A. I cannot ſay exactly, to five thouſand of any one work.

Mr. Tooke. But do you recollect that a hundred thouſand were ordered to be printed of ſomething, and that it was never printed at all?

A. Yes; I was ordered not to print them.

Q. Do you recollect a great number of Correſpondents in France, Scotland, and Ireland, that the Society had?

A. I do not know that we ever correſponded with any body, except in France.

Q. Were the number of letters which they ſent, or that they received, the greater?

A. In France we never anſwered one.

Q. But I mean any where elſe: did other Societies write to us, and we neglect to anſwer them?

A. Yes.

Q. Were we often reproached for ſo doing?

A. Very much ſo.

Q. When I went away from the Society, which I uſually did early, did not ſome other member of the Society uſually go home with me?

A. Yes; ſometimes.

Q. Do you recollect who?

A. Sometimes Mr. Sharpe uſed to go with you.

Q. When

Q. When you were firſt appointed Secretary was it not the cuſtom of the Society to print pamphlets, and other things, and diſtribute them gratis?

A. Yes.

Q. Has that been the caſe for the laſt three or four years?

A. No; there have been pamphlets printed, and given away, or taken away; I do not know that they have ever been diſtributed or ſent; I cannot charge my memory with any, they have been ſo trifling, if there have been any.

Q. Do you recollect that before you was diſmiſſed from your employment, you mentioned your expectations that you ſhould be ſo, to Mr. Tooke.

A. I did.

Q. Can you recollect the advice Mr. Tooke gave you upon that occaſion?

A. I do not know that I can exactly; I believe it was to ſpeak to Sir John Dick, one of the board, whom you thought a good-natured man, I believe.

Q. I know him intimately myſelf, and could have ſpoken to him for you; but can you recollect my ſaying, that the Society would never be able to do you any good?

A. I do not recollect that.

Q. Let me try by another circumſtance; can you recollect my adviſing you to do yourſelf good, and let us ſo far be the inſtrument of good, by going to thoſe under whom you had a place, and giving them all the books and information you poſſibly could relative to our Society; and that I would juſtify your character for ſo doing?

A. I do not recollect it.

Q. But the fact is ſo. Wiſhing to ſerve the Secretary, and knowing no other method, I wiſhed him to do that of which he has been, I believe, falſely accuſed. Had the Privy Council our books of account?

A. Yes.

Q. Of the expenditure and receipt?

A. Yes.

Q. Were any questions asked you concerning them?

A. I do not recollect there were about the receipts.

Q. Is it not absolutely certain that if they related to the books of expenditure, it must have been known by those who looked at the orders, for the number to be printed, whether they were printed or not?

Mr. Attorney General. That book would better shew it.

Lord Chief Justice Eyre. That can properly only be known by the books themselves, it comes pretty much to the same thing, if you ask him whether the state of the finances of the Society enabled them to print.

Mr. Tooke. They would be able to see whether the finances enabled them to print?

A. Yes; certainly.

Q. Can you guess why in the report which mentions that they were ordered to be printed, it was not inserted that they were never printed; do you know any reason why it was not inserted that they were not printed; and since it may be seen by the book of expenditure, that none were printed, do you know any reason why the order should be put in, and the non-performance of that order omitted?

A. I cannot tell the reason; I believe it was never meant that they should be printed.

Q. I see on the 14th of November, a hundred thousand copies ordered to be printed for our Correspondents in Great-Britain, and Ireland; had the Society any Correspondents in Ireland?

A. No; I do not recollect that they had; I cannot take upon me to say; I believe not.

Lord Chief Justice Eyre. You do not know of any?

A. I do not recollect any.

Mr. Tooke. Have you often heard me joke and laugh at the insignificance of that Society?

A. Very often.

Q. Have you ever heard me declare myself a friend to Universal Suffrage?

A. I cannot immediately bring forward that expression exactly.

Q. Uni-

Q. Univerſal Suffrage means that every perſon in England ſhould have a vote for a member of parliament?

A. I have heard you expreſs it in that light.

Q. Do you remember when, and upon what occaſion? you miſunderſtand me now—

Lord Chief Juſtice Eyre. You have heard Mr. Horne Tooke ſpeak for it; is that what you ſay?

A. Yes.

Mr. Tooke. For fear there ſhould be any error. Whether you have heard me at any time ſay that I was for a repreſentation of the people univerſally, that every man ſhould have equally a vote?

A. I have, certainly.

Mr. Tooke. I believe he is the only man in the world that ever did hear me.

Mr. Adams. If I have ſaid any thing I did not immediately underſtand, I ſhould be very ſorry.

Lord Chief Juſtice Eyre. Do you wiſh to explain any thing you have ſaid?

A. I would wiſh Mr. Tooke ſhould explain any thing.

Lord Chief Juſtice Eyre. No; have you yourſelf any wiſh to explain any thing?

A. No.

Mr. Tooke. Do you recollect Major Cartwright propoſing his four propoſitions of the declaration of rights; or do you know any thing about the declaration of rights?

A. I believe it was not in my time.

Q. Was you preſent at the anniverſary of the Society the 2d of May laſt.

A. Yes.

Q. Do you remember what paſſed from me on that day—do you remember the ſubſtance of what I might then ſay?

A. I do not indeed.

Q. No part of it?

A. I could not call to my recollection any part, I was ſo much engaged.

Q. Will your memory enable you to recollect the anniverſary of the French Revolution in the year 1790?

A. I remember attending it; was it at the Shakeſpear?

Mr. Tooke. No, at the Crown and Anchor; do you remember Earl Stanhope being in the chair?

A. No, I do not.

Q. As far as you could perceive, and as far as you recollect, do you think that I put the Society on too ſtrong meaſures, or kept them back—do you think that I was forward?

Lord Chief Juſtice Eyre. You put your queſtion very diſtinctly before.

A. I do not know how far I might judge of ſtrong meaſures:—There were ſome queſtions put I thought too ſtrong; there were other queſtions you endeavoured to prevent: there was nothing that I ever had an idea of about treaſon.

Q. Was there any thing which gave you cauſe to think that any of the Members of the Society ever intended either to depoſe or kill the King?

A. Oh no!

Q. Did you ever think they intended to take up arms, or accompliſh any thing by force?

A. No.

Q. Did you think they were either bold enough or ſtrong enough?

A. Oh no, never!

Q. What do you think was the object of the greater part or all of that Society?

A. The greater part was for a Parliamentary Reform, and perhaps all might be; but ſome of them took it in a different view from what I did.

Q. Do you think that theſe were ſly fellows, who meant ſomething that they did not ſay?

A. No; I believe they meant all they ſaid.

Q. You think they were ſincere?

A. Yes.

Q. You have every reaſon to think ſo?

A. Yes.

A. Yes.

Q. And no reaſon to think the contrary?

A. No; I had every reaſon to believe they were ſincere in what they ſaid.

Q. You do not think they made uſe of this as a pretext for ſomething elſe: you don't think that with their great wealth or force of arms they meant to ſubvert the Government; but that they were ſincere in wiſhing a Reform in the Commons Houſe of Parliament?

A. Yes; a Reform in the Commons Houſe of Parliament: but they were not all of the ſame opinion in the manner of doing it; ſome went farther than others undoubtedly.

Q. Do you recollect any correſpondence between the Society for Conſtitutional Information and Skirving, or any perſon reſiding in Scotland?

A. I recollect their ſending a letter, but not our anſwering any; if it is ſo it is in the books, which I beg to refer to.

Q. Have you kept back any letters, or papers, or correſpondence whatever; are there any but what have been given up or that have been ſeized on?

A. I do not know of any; it is poſſible that there may be ſome, but never intentionally.

Q. Can you recollect the appointment of a Committee of Correſpondence on the 4th of April, 1794—"Reſolved that "there be appointed a Committee of Correſpondence of the "Members of this Society?"

A. Yes.

Q. Can you recollect in what manner that Committee of Correſpondence was appointed?

A. In the uſual way I think.

Q. But can you recollect this, that I being requeſted to be a Member of that Committee declared that neither my health nor my buſineſs would permit me to be a Member of it?

A. Give me leave to read the minutes

Lord Chief Juſtice Eyre. Do you remember what Mr. Horne Tooke ſays?

A. Yes, I do remember it---That his health would not permit him to be on that Committee.

Mr. Tooke. Did I ever meet the Committee?

A. I believe never: I do not know that the Committee ever did meet.

Q. Do you recollect how the Committee of Co-operation was appointed: The reſolution is---" That the Committee of " Correſpondence appointed by this Society be the Committee " for correſpondence and co-operation with Committees of other " Societies." You have ſpoken to the manner in which I was named of the Committee of Correſpondence, and therefore my name appeared as on the Committee of Co-operation, becauſe they voted afterwards that the ſame Committee ſhould be a Committee of Co-operation; but do you know, think, or believe, I ever met either of the Committees?

A. It was underſtood that you was not appointed.

Mr. Tooke. But my name appears there as though I was, and has been ſo publiſhed?

Lord Chief Juſtice Eyre. You do not know that Mr. Horne Tooke ever met that Committee of Co-operation?

A. I do not know.

Mr. Tooke. I aſk a great number of theſe queſtions to get rid of the fact from myſelf: I hope they will be of no prejudice to others; but I would not have it thought that I conſider it as a crime by puſhing it from myſelf, for I do not.

Lord Chief Juſtice Eyre. You are perfectly right in puſhing it from yourſelf.

Mr. Tooke. Do you recollect notice being given by me that a motion would be made by me, at a future Meeting, for two books to be prepared; in one of which ſhould be written the names of thoſe who deſerved the reprobation, and in the other the names of thoſe who deſerved the gratitude of the Society?

A. I do.

Q. Do you remember that no ſuch motion was ever made?

A. There was not.

Q. Do you recollect a little mirth at it?

A. There

A. There was a laughing about it.

Q. Can you remember ever to have heard me ſay that I had lain out of my own bed but twice for the laſt ſeven years?

A. I cannot take upon me to ſay.

Q. Can you remember my ſaying that if there were a meeting of any of the friends of liberty, for any good purpoſe, upon Wimbledon Common, that I ſhould certainly be found there?

A. Yes.

Q. But that if it was farther off I ſhould not be found there, becauſe my health would not permit?

A. I do remember that.

Mr. Tooke. I have proved one thing for myſelf, and another thing againſt myſelf—that I love liberty very well near my own home, but would not go a great diſtance for it. Was you at the laſt dinner of the Revolution Society in 1793?

A. I have no doubt of it; I have generally attended.

Mr. Tooke. They are very numerous; I belonged to four Conſtitutional Societies—this is the Revolution Society—the Diſſenters keep the 4th, and the Church of England the 5th of November I believe.—Do you recollect my giving a toaſt that day?

A. Yes, I do.

Q. Can you recollect the ſubſtance of it?

A. If you will repeat it to me I ſhall recollect it.

Q. Was it in theſe words, or to this effect—May the people of this country never forget nor forſake the preſent family on the throne, until it ſhall appear by their conduct that they have forgotten or forſaken the principles which placed them on it?

A. I do very well remember it.

Lord Chief Juſtice Eyre. Be ſo good as repeat it.

Mr. Tooke. May the people of this country never forget nor forſake the preſent family on the throne, until it ſhall appear by their conduct that they have forgotten or forſaken the principles which placed them on it?

A. I do remember it.

Q. Are you able to tell me who eſtabliſhed the dinner club?

A. I believe you did.

Q. Do you recollect why that dinner club was eſtabliſhed?

A. I rather think it was in order that the members might meet better.

Q. Do you think the meeting was at half after four, rather than at ſeven, that I might go home ſooner?

Lord Chief Juſtice Eyre. There might be ſomething to do.

Mr. Tooke. There was nothing to do at the meetings but to eat and drink. Can you ſay what you meant, or what you believed thoſe of the Society to mean, when they ſaid they would co-operate with the Correſponding Society, in order to obtain their great end—What did you underſtand by their great end?

A. I underſtood a Parliamentary Reform was meant.

Q. Do you recollect many candidates being black-balled that wiſhed to be members of the Society?

A. Not a great many.

Q. In ten years, do you think there might be ten?

A. I believe not ten perſons.

Q. It was not a very ſecret Society then, and not much afraid of ſpies.—Can you ſwear that the names which are to be found in the books which are called the books of the Society were there at the time that the buſineſs inſerted under their names paſſed?

A. Certainly not.

Q. Do you recollect an affectation or imitation of French phraſes in the books of the Society?

A. I do not know that there is in the books.—I am not ſo certain of that.

Mr. Tooke. I aſked an improper queſtion—the books will better tell that; if they are there they are eaſy to be found, and would have been found before this.—Did you ſend any notice to St. André and Barrere that they were elected honorary members of the Conſtitutional Society?

A. No.

Q. Were you directed to ſend any?

A. No.

Q. Did you yourſelf enter all or any part of the ſpeeches of St. André and Barrere in the books of the Society?

A. Not

A. Not any part.

Q. Was you bid to inſert any?

A. Yes.

Q. Did you inſert any?

A. No.

Q. Had you the news-papers to inſert them from?

A. No.

Q. Were the news-papers in the Society?

A. Not that I know of.

Mr. Tooke. But every body elſe might have the ſpeeches, without being charged with Treaſon: I have been told that the man who really publiſhed the ſpeeches, who ſold them to every body that would buy, was called as an evidence on the trial of Mr. Hardy, to prove guilt in thoſe who only talked of inſerting them.

Lord Chief Juſtice Eyre. Certainly it is true that the man was called to prove that there were ſuch ſpeeches in the Moniteur.

Mr. Tooke. And that he ſold them, in order to criminate the Society.

Lord Chief Juſtice Eyre. The way in which the Society was criminated was becauſe they had publiſhed to the world that theſe were the ſpeeches for which they had made theſe perſons honorary members; it was argued that that was pointing out to the world theſe papers, and recommending them to their attention; that was the way in which it was uſed.

Mr. Tooke. And it was fortunate for the Society that they did not ſay ſuch a thing as this—there are ſome good things in the Alcoran, which are worth attention—they might have been charged with Mahometaniſm if they had recommended any part of the Alcoran. Had you, after the war, any direct or indirect correſpondence whatever with any perſons in France?

A. Certainly not.

Q. Do you know that any member of the Society had?

A. No.

Q. Do you think they had?

A. Not that I know of—I ſpeak from my own knowledge.

Q. Did you ever ſee, or hear of a letter from Mr. Margarot to the London Correſponding Society, containing theſe words: "We cannot ſay ſo much of Citizen Sinclair, from the Society "for Conſtitutional Information. He has been confined to his "bed, ever ſince Saturday, with a violent fever and ſore-throat; "he is ſomething better this morning. He is a valuable young "man; and, ſhould he die, his loſs would be ſeverely felt, not, "indeed, by his conſtituents, who have baſely abandoned him."?

A. I rather think I have read it; it muſt appear upon the books.

Q. No; I do not believe it is upon the Conſtitutional Society's books. This letter was ſeized, and we get the knowledge of it by having it printed in the report; here is Margarot's teſtimony that the Conſtitutional Society had deſerted them.

Lord Chief Juſtice Eyre. What is it?

Mr. Tooke. A copy of a letter from Gerald and Margarot to the Secretary of the London Correſponing Society. It is an extraordinary thing five or ſix gentlemen chooſing to ſend a Delegate, that the treaſon, if there is any in it, ſhould fall upon thoſe who had no concern in it; and when the Delegates of the London Correſponding Society ſtate that the Conſtitutional Society had abandoned him. Do you know, that between two and three years ago, I quitted London, on account of ill-health and infirmity?

A. That was the time, I believe, you went to Wimbledon.

Q. You remember I had a ſerious infirmity?

A. Yes.

Q. That infirmity put me out of a ſtate to bear arms?

A. Yes.

Mr. Tooke. I am aſhamed to have taken up ſo much time in this examination, but I thought it might rather ſhorten than delay.

Mr. Daniel Adams,

Examined again by *Mr. Attorney General.*

Q. Be ſo good as look at the book—Upon the 11th of April, 1794, you find an entry of Mr. Joyce being in the chair; if you look at the names, you will find that Mr. Tooke, Mr. Kydd,

Kydd, Mr. Thelwall, Mr. Hardy, and Mr. Richter, were present, among others?

A. Yes.

Q. You find there an entry to this effect: Mr. Joyce made the report of the meeting of the Delegates of the London Corresponding Society, for the purpose of this Society co-operating with the London Corresponding Society, and that they had come to the following resolutions; then there are three resolutions entered: "That it appears to this Committee very desirable that a General Meeting, or Convention, of the Friends of Liberty, "should be called, for the purpose of taking into consideration "the proper methods of obtaining a full and fair representation "of the people." Then there is a second resolution. I think you told us, upon Mr. Tooke's examination, that his name was proposed to be on the Committee of Correspondence, in his absence?

A. I do not know that I said that.

Mr. Tooke. He said, that the former Committee of Correspondence should be a Committee of Co-operation.

Mr. Attorney General. You say you copied into this book the resolutions, first being taken down upon loose paper?

A. Yes.

Q. The resolutions, when taken down upon loose paper, were not always in your own hand-writing?

A. Not always.

Q. You can, perhaps, inform me, then, whose hand-writing the part of the resolution, I have now read to you, is; and whether any, and what part of the rough draught of this resolution is the hand-writing of Mr. Tooke?

Mr. Tooke. A good deal of it is, I dare say.

Mr. Attorney General. Do you know whose hand-writing this paper is? *(shewing it to the witness.)*

A. I do not.

Q. That is, however, a rough draught of a resolution of the 11th of April, 1794?

A. I believe it to be so.

Q. And

Q. And you believe the reſolution in that book to have been entered from that draught?

A. I believe it was.

Mr. Tooke. I do not believe there is a letter of mine in that paper.

Mr. Attorney General. You have told us, with reſpect to Mr. Sinclair, that he had been ſent to the Scotch Convention, at a very private meeting?

A. No; I did not mention that; at an extraordinary general meeting.

Q. Look at this letter *(ſhewing it to the witneſs)*, and tell me whether it is ſigned by any perſon whoſe hand you know?

A. That is ſigned by Mr. Tooke.

Mr. Tooke. The whole is written by me.

Mr. Attorney General. I beg to lay the evidence before the Court in my own way. You remember the meeting, perhaps, on the 25th of January, 1794?

A. I do.

Q. You ſee an entry there, "That it be reſolved that the "moſt excellent addreſs of the London Correſponding Society, "be inſerted in the books of this Society."?

A. Yes.

Q. Was that copied into the book from a rough minute?

A. I dare ſay it was.

Q. Look at this paper *(ſhewing it to the witneſs)*, and tell me whoſe hand-writing that is, if you know it?

A. It is Mr. Tooke's hand-writing.

Q. You know that the London Correſponding Society had had a meeting about four days before that?

A. I do not know it; for I never attended any of their meetings. I dare ſay they might have had.

Q. Turn to the 17th of January, 1794, do you find in the book an entry, "That law ceaſes to be an object of obedience when-"ever it becomes an inſtrument of oppreſſion."?

A. Yes.

Q. And ſeveral other reſolutions that have been referred to?

Q. Yes,

A. Yes.

Q. Who appears to have been in the chair that night?

A. It appears that Mr. Tooke was in the chair.

Mr. Tooke. Do you mean to ſay that I was in the chair when theſe reſolutions paſſed?

A. No; I do not mean to ſay that.

Mr. Attorney General. That is breaking in upon my examination.

Mr. Tooke. It was wrong; I ought not to have done it.

Mr. Attorney General. Was Mr. Bonney preſent?

A. His name is here.

Q. Was Mr. Martin preſent?

A. Mr. Martin's name is here.

Q. Was Mr. Kydd preſent?

A. His name is here.

Q. Whether this is not the rough draft of the minute of that reſolution, and whether the fact appear upon it, that theſe reſolutions were come to, and the time at which Mr. Tooke left the chair, is directly ſtated; and tell me whoſe hand-writing that is?

A. I ſhould ſuppoſe, moſt probably, that I entered it from this.

Q. Whoſe hand-writing are thoſe minutes?

A. The greater part of them is mine.

Q. Whoſe hand-writings is that in the beginning?

A. I do not know.

Q. Do you mean to ſay that you cannot tell me whoſe hand-writing that is?

A. I do: ſometimes I was in the room, and ſometimes not; I was called out frequently by different people, then they laid hold of the paper, and wrote this.

Q. Then, upon your oath, you cannot ſpeak, as to your belief, whoſe hand-writing that is; ſpeaking of your belief as to the hand-writing of a perſon you have ſeen write?

A. I could not ſwear to the hand-writing.

Q. Can you ſwear to your belief of it, as being the hand-writing of a perſon that you have ſeen write, according to your belief?

A. I think it is poſſible I may recollect; but I could not ſwear to it upon my oath; I cannot ſwear to the hand-writing.

Q. You cannot ſpeak to it, to your belief?

A. I do not know how far I can ſpeak to my belief; I could not ſpeak to it, ſo as to make it ſatisfactory to my own mind, as to the hand.

Q. Whoſe do you believe it to be?

A. It may be Mr. Bonney's.

Q. Do you believe it to be his?

A. I cannot ſwear I do; becauſe I do not know his hand.

Q. Do you believe it to be his?

A. I do.

Q. Have you ever ſeen him write?

A. I have ſeen his writing a great many times, but I do not know that I ever ſaw him write.

Q. Look at the entry of the 23d of March, 1791; you will find there a reſolution of thanks to Mr. Thomas Paine, for his moſt maſterly book intitled the Rights of Man.

A. Yes.

Q. Look forward; you will find it is reſolved that the foregoing reſolutions, and all future proceedings of this Society, be regularly tranſmitted, by the Secretary, to all our correſponding conſtitutional Societies in England, Scotland, and France?

A. Yes.

Q. Then—"Reſolved, that the above reſolutions be publiſhed "in the papers."?

A. Yes.

Q. Were theſe reſolutions come to, as you have entered them?

A. They certainly were.

Q. Were they publiſhed in the papers?

A. I ſuppoſe they were; if they were not, it was thoſe papers that did not chooſe to inſert them.

Q. Whether Mr. Tooke appears in the manner that has before been mentioned to be preſent at that meeting on the 23d of March, 1791?

A. He

A. He appears in the book.

Q. Look forward to the 1st of April, 1791; does Mr. Tooke appear by the book to have been present then?

A. He does.

Q. Do you find a resolution there, "that the resolutions of this "Society recommending Paine's book, 'the Rights of Man,' "and published in several of the papers, be republished in the fol- "lowing, viz. General Evening, Morning Post, World, English "Chronicle, Sherbourn, Leeds, York, Bristol, Nottingham, and "Birmingham papers:" Did the Society come to that resolution?

A. Certainly they did; I suppose so, or I should not have entered it there.

Q. Have you any reason that enables you to state, one way or other, whether these resolutions were actually printed in the several papers which I have now mentioned?

A. I cannot take upon me to say that they were; very likely they might; the London ones—but I can't possibly take upon me to say.

Q. Turn to the 9th of March, 1792, you will find a gentleman there proposed of the name of Joel Barlow?

A. Yes.

Q. Who was he proposed and seconded by, as appears by the book?

A. "Joel Barlow, Esq; author of Advice to the Privileged "Orders, proposed as an honorary Member by Mr. Tooke, and "seconded by Mr. Sharpe."

Q. Go to the 16th of March, 1792, you will find this resolution: "Ordered that the Secretary return to the Chairman of "the Society at Manchester, the thanks of this Society for his "communication; at the same time assuring him that this So- "ciety does heartily concur in the above resolution," which is a resolution of the Manchester Constitutional Society, signed Thomas Walker and Samuel Jackson; and, among other things, is this; "That this Society congratulate their Country at large "on the influence which Mr. Paine's publications appear to "have had in procuring the repeal of some oppressive taxes in "the present Session of Parliament." You find that, dont you?

A. Yes.

A. Yes.

Q. Then you find the order that the Secretary ſhould return thanks to the Chairman?

A. Yes.

Q. Whoſe hand-writing is this paper *(ſhewing it to the witneſs)*, and whether that is the rough draft of the reſolutions which you copied?

A. This is the rough draft, and it is Mr. Tooke's hand-writing.

Q. Who was in the chair at that meeting?

A. Mr. Tooke.

Q. Look at the meeting of the 23d of March, 1792; you obſerve there that the Sheffield reſolution is entered: "We de-"clare that we have derived more true knowledge from the two "works of Mr. Thomas Paine, intitled Rights of Man, part "the firſt and ſecond, than from any other author on the ſubject. "The practice, as well as the principle of Government, is laid "down, in thoſe works, in a manner ſo clear and irreſiſtibly "convincing, that this Society do hereby reſolve to give their "thanks to Mr. Paine for his two ſaid publications, Rights of "Man, parts 1ſt and 2d." You obſerve, at the bottom, the Secretary returns the thanks of the Society, and there is an entry of a reſolution: whoſe hand-writing is that?

A. Mr. Tooke's hand-writing.

Mr. Tooke. That is my hand-writing.

Mr. Attorney General. This is a draft of a letter ſent as an anſwer to the Sheffield Society, informing them they would incorporate their twelve aſſociated members.

Mr. William Woodfall (called again)

Mr. Attorney General. Whoſe hand-writing do you believe that to be?

A. I believe the main body of it to be Mr. Tooke's; it is marked, I ſuppoſe, to be identified—A draft of a letter, which purports, upon the face of it, to be a communication to be made to the Sheffield Society, that aſſociated with them twelve of their Members.

Mr.

Mr. Attorney General. Turn now, Mr. Adams, to the meeting on the 20th of April, 1792; you find a communication there from the Three Tuns Tavern, in Southwark.

A. Yes; there is.

Q. You find a reſolution that the thanks of the Society be given to the Southwark Society for the following communication, and a reſolution that it ſhould be publiſhed in the papers?

A. Yes.

Q. Does your recollection ſerve you whether it was publiſhed in the papers?

A. It does not; but probably it was.

Q. Go to the 27th of April, 1792; does Mr. Tooke appear, by the book, to have been preſent that day?

A. Yes.

Q. Do you find a letter, addreſſed to the Friends of the People, entered?

A. Yes.

Q. Who was in the chair that day?

A. It appears that Major Cartwright was.

Q. Was that letter ſent?

A. Yes; it was.

Q. Look at the 4th of May, 1792; does Mr. Tooke appear to have been preſent then?

A. He was.

Q. Have you an entry of reading a letter from the Revolution Society at Norwich?

A. Yes.

Q. Is the letter entered in the book?

A. Yes.

Q. Do you find this paſſage entered: "The Rights of Man, "by Thomas Paine; and the Advice to the Privileged Orders, "by Joel Barlow; have alſo been read with attention, and cir- "culated with avidity; they point out, with clearneſs, moſt of "the abuſes which have accumulated under the Britiſh Go- "vernment; they attack with energy moſt of the prejudices "which have tended to perpetuate them."?

A. Yes.

Q. Was

Q. Was Mr. Thomas Paine one of the Members of your Conſtitutional Society?

A. He was, I believe, an honorary Member.

Q. Did he attend pretty frequently, while in England?

A. The books will better tell you than I can—I rather think he did attend, but not very often, I believe; but the books will better aſcertain that.

Q. Do you find a reſolution upon that 4th of May, 1792, to this effect—This Society receives the above communications with the moſt heart-felt ſatisfaction, and deſire earneſtly to concur and to co-operate with thoſe Societies; that is, the Norwich Societies, in their laudable object, and that the Secretary inform them of the ſame, and of the unanimous election of their twelve members?

A. Yes, nearly to thoſe words.

Q. Look thoroughly at this, and inform me, whether it is the original letter which was read in the Society, upon that night?

A. It has every appearance of it—I cannot ſay that that is abſolutely the letter.

Q. Look at the twelve names at the bottom, and ſee if there is any hand-writing there that you happen to know?

A. Not one.

Q. You do not know any of the hand-writing that is there?

Mr. Tooke. That is my hand-writing.

Mr. Attorney General. Look at the ſame 4th of May, 1792, and tell me, if Mr. Martin was propoſed to be an honorary member by any body, and by whom?

A. It appears here that Mr. Martin was propoſed an honorary member by Mr. Tooke, and ſeconded by Mr. Frſt.

Q. Do you remember any letter of thanks coming from Mr. Martin to the Society?

A. I rather think I do.

Q. Look at that paper, and tell me, if you know any body's hand-writing that is in it?

A. I cannot take upon me to ſay whoſe it is.

Mr. Tooke. There is an interlineation that is mine.

Mr. Attorney General. You will be ſo good as look at the meeting the 11th of May, 1792. Was Mr. Tooke preſent at that meeting, as appears by the book?

A. Yes.

A. Yes.

Q. You there have an entry, that there ſhould be a communication from this Society with the Friends of the Conſtitution, at Paris, known by the name of the Jacobins?

A. Yes.

Q. And an addreſs from the Society of the Friends of the Conſtitution, at Paris, called the Jacobins?

A. Yes.

Q. Do you remember the reſolution paſſing, that you ſee in that book, that the above addreſs be ſigned by the Chairman; and, that Mr. John Horne Tooke be requeſted to tranſmit it, with all poſſible diſpatch, to Mr. Watt, at Paris?

A. There is ſuch a reſolution.

Q. You would not have entered it, unleſs that had been reſolved upon; ſhould you?

A. No.

Q. Do you find another reſolution, that the addreſs be read a ſecond time, at the next meeting, for publication?

A. Yes.

Q. Look at the meeting on the 12th of May, 1792. Is there any meeting mentioned in that book, in which you have inſerted a letter from Lord John Ruſſel?

A. I do not remember that there is any ſuch letter; Can you refer to the date?

Q. The 12th of May, 1792.

A. I do not remember ever hearing of it.

Q. Go to the 18th of May, 1792. Was Mr. Tooke then preſent, as far as appears by the book?

A. Yes.

Q. Do you find the addreſs to the Jacobins ordered to be publiſhed?

A. It does not appear here; I do not ſee it, at leaſt at preſent.

Q. If you look on, you will find a letter from Thomas Paine, ſtating, that he is about to publiſh a cheap edition of his two parts of the Rights of Man; and then, that the Society take into conſideration the contents of that letter. Reſolved to give

him thanks, and to ſupport him. Do you recollect, whether that reſolution paſſed or not?

A. Yes.

Q. Do you obſerve a reſolution, that a Committee be appointed to enquire into the rumour of this proſecution of Paine, and to report to the Society at the next meeting?

A. Yes.

Q. Are the Committee named?

A. Yes.

Q. What are their names?

A. Mr. Sharpe, Mr. Tuffin, Mr. Tooke, Mr. Froſt, Lord Daer, Mr. Hull, and Mr. Fitzgerald.

Q. Do you ſee a reſolution there, that a copy of Paine's letter, together with theſe reſolutions, ſhould be tranſmitted to all the aſſociated Societies in Town and Country?

A. Yes.

Q. And that 3000 copies of the above letter and reſolutions ſhall be printed for the uſe of the Society?

A. Yes.

Q. Were they printed?

A. I cannot take upon me to ſay, whether they were or not; the account-book will tell, I dare ſay.

Q. If you look at that paper, you will be able to tell us, from your book, whether they were printed or not; and the addreſs to the Jacobins to be paid for by the Society?

A. This appears to be publiſhed in the paper.

Q. Go on to the 25th of May, 1793. Do you find there a reſolution, that 6000 more copies of the bills, directed at the laſt meeting, ſhould be printed; that a hundred be ſent to each of the twelve aſſociated members of the Sheffield Conſtitutional Societies, a hundred to each of the twelve aſſociated members of the Norwich Conſtitutional Society, two hundred to each of the other Conſtitutional Societies, two hundred to Derby, and two hundred to the Society at Belfaſt?

A. It is here.

Q. Did that reſolution paſs?

A. Yes.

Q. Was

Q. Was Mr. Tooke preſent, as far as appears by the book, at the time that paſſed?

A. He appears to be preſent, as far as the book ſhews; his name is in the book.

Q. See whether there is an entry of a letter on the ſame evening, the 24th of May, 1792, ſigned Thomas Hardy?

A. Here it is in the book, the firſt of June.

Q. Did you ever ſee this paper before?

A. I dare ſay I have ſeen it.

Q. Whoſe hand-writing do you believe it to be?

A. I do not know, upon my oath.

Q. Whoſe hand-writing do you believe it to be?

A. I have not the ſmalleſt idea.

Q. Not even—to your belief?

A. No, not even to my belief.

Q. At the meeting on the firſt of June, 1792, does Mr. Tooke appear to be preſent?

A. Yes.

Q. You find an entry there, "that the Secretary reported, that "he had ſent twelve hundred of the printed bills ordered at "the laſt meeting, to the Sheffield Conſtitutional Society, "twelve hundred to the Norwich Conſtitutional Society, to the "Southwark Conſtitutional Society two hundred, to the Lon-"don Correſponding Society two hundred, to a perſon to be for-"warded to Derby two hundred, to the Conſtitutional Whigs "two hundred, to the Society at Belpar two hundred."—Did you ſend them?

A. I have no doubt of it, from reporting it.

Q. You find alſo a reſolution—"to ſend to Mr. Joyce, to be "forwarded to Birmingham, ſix hundred; to the Society at Ald-"gate two hundred, to Mancheſter twelve hundred, to Liver-"pool two hundred, to Cambridge five hundred, and four hun-"dred to be diſtributed among the Societies in the neighbour-"hood of Glaſgow."—Do you remember that reſolution being come to, to diſtribute theſe copies of the cheap edition of the Rights of Man?

A. I have no doubt but it was.

Q. You find a letter of the London Corresponding Society, of the same date, signed Margarot and Hardy?

A. Yes.

Q. Do you find an order there, in these words: "That the "said letter be published in such newspapers as will receive the "advertisements of this Society."?

A. Yes.

Q. Go to the meeting of the 15th of June; Who was in the chair?

A. Mr. Tooke was in the chair.

Q. See whether there is a minute, that there was read a letter from the London Corresponding Society, stating, that they had opened a subscription for the defence of Paine, and that they wished that six of their members might be associated with this Society?

A. Yes.

Q. You will be able to tell me, perhaps, whether this (*shewing it to the witness*) is not the letter that came, and whether this is the signature of Thomas Hardy, or of any body else, and whom; and look at the body of the letter, and tell me, if you know the hand-writing in the body of the letter different from the general contents of it?

A. I never saw Hardy write in my life, as I recollect; it is very different from what I have seen offered to me as his hand-writing in general.

Q. Then you do not know, either whose hand-writing the body of it is, or whose hand-writing the interlineation is?

Mr. Tooke. The interlineation of "and that knowledge," is mine.

Mr. Attorney General. You find an order, stating, that the Secretary was to inform the Secretary of the London Corresponding Society, that the Society received their proposal with pleasure, and were willing to admit six of their members, whom they would acknowledge to be associated members.—Do you recollect that passage?

A. Yes.

Q. Do

Q. Do you recollect the letter of the London Corresponding Society, and the two laſt reſolutions, being ordered to be publiſhed in the newſpapers?

A. It is mentioned here.

Q. See if there is a reſolution there, "That twelve thouſand "copies of Mr. Paine's letter, dated the 6th of June, 1792, to "Mr. Secretary Dundas, be printed by the Society, for the "purpoſe of being tranſmitted to our correſpondents through-"out Great Britain, and that a Committee be appointed to "direct the ſame."

A. There is ſuch a letter.

Q. Does it appear who are the Committee?

A. Yes; Mr. Tooke, Mr. Sturch, Mr. Chatfield, Rev. Mr. Joyce, Mr. Symonds, and Mr. Frost.

Q. Inform me, if you know whoſe hand-writing that minute is, that ordered the twelve thouſand copies to be publiſhed?

A. It is Mr. Tooke's hand-writing.

Q. Go to the 22d of June, 1792; was Mr. Tooke preſent, as far as appears by the book?

A. He was.

Q. Who was in the chair that day?

A. Mr. Frost.

Q. Have you an entry, "A member reported, that an "information was filed againſt Mr. Paine, for the publication of "the Rights of Man,"?

A. Yes there is.

Q. And that a ſubſcription entered into for him, be entered into a ſeparate part of the book, and be received by Mr. Bonney, his Solicitor?

A. It runs thus—"Ordered that the ſubſcription entered into "for the benefit of Mr. Thomas Paine, be entered in a ſe-"parate part of the book, and kept open for the members of "this Society."

Q. Look to the 29th of June, 1792, you find there, that the Committee who had been appointed, reported a plan of diſtribution of twelve thouſand copies of Mr. Paine's letter to

Mr. Dundas, which was adopted. Were those twelve thousand copies distributed according to that plan?

A. I do not know. I had not the distributing of them I believe.

Q. You paid for printing the letter, and for the address to the Jacobins I believe?

A. Yes; it appears so here.

Q. Turn to the meeting of the 13th of July, 1792, you find it is stated, "that six Gentlemen, recommended by the "London Corresponding Society, were elected." Were they elected upon that day according to your recollection?

A. Yes.

Q. Look to the meeting of the 5th of October, 1792;—was Mr. Tooke present upon that day, according to the best of your recollection?

A. His name is here.

Q. Do you find an entry—"Read a letter from the Constitutional Whigs Independent, and Friends of the People, accompanied with fifty copies of a letter transmitted to them "from the Friends of Freedom at Cherbourg."?

A. Yes.

Q. Do you remember that letter being read; it must, I suppose, have been read, as it is entered?

A. If it is entered, it must have been read.

Q. Go to the 12th of October, 1792; do you find there—"Read Mr. Barlow's letter to the National Convention of "France"?

A. Yes.

Q. Was Mr. Tooke present at this meeting?

A. His name is here.

Q. Was Mr. Martin present, as far as appears by the book?

A. Yes.

Q. Mr. Richter?

A. Yes.

Q. Mr. Joyce?

A. Yes.

Q. Do

Q. Do you remember receiving a letter from Mr. Barlow with that book, called his letter to the National Convention of France?

A. I dare say so, because the letter is entered.

Q. Do you find a resolution there—"that Mr. Sturch be "requested to draw up an answer to the letter of Mr. Barlow, "expressing how much pride this Society feel at having elected "him an honorary member?"

A. Yes.

Q. Did that resolution pass?

A. Yes.

Q. Do you remember receiving an address from the National Convention to your Society?

A. Yes.

Q. Was it read and entered?

A. Yes.

Q. Look to the meeting of the 19th of October, 1792, and inform me who was in the chair?

A. Mr. Tooke.

Q. Does it appear at that meeting that an answer to Mr. Joel Barlow was produced and approved, and ordered to be published with his letter?

A. Yes, it appears so.

Q. Does it appear from your book, and is it fact, that a Committee was appointed that night to confer with the Delegates of the Corresponding Society upon the address of the National Convention of France?

A. Yes.

Q. Who formed that Committee; was Mr. Tooke one of them?

A. Yes, he appears one of the Committee upon the back.

Q. Look to the meeting of the 26th of October, 1792; you find that you read a report of the Committee appointed at the last meeting; it is entered by the book that you did so?

A. Yes.

Q. Is the fact that you did so?

A. No doubt.

Q. Do you find a reſolution—" That it is the opinion of that " Committee, that the purpoſe of the addreſs drawn up by the " London Correſponding Society would be better anſwered " by ſeparate addreſſes than by one joint addreſs;" look at the ſecond of November, ſee if it is there?

A. I do not ſee it.

Q. Does Mr. Tooke appear to have been preſent upon the 26th of October?

A. Yes.

Q. Go to the 9th of November, 1792; does Mr. Tooke appear to have been preſent then?

A. Yes.

Q. There is entered there an addreſs from the Society for Conſtitutional Information to the National Convention in France?

A. There is.

Q. Was that addreſs read and approved of at that meeting, according to your recollection?

A. I believe it was.

Q. Do you find a reſolution there—" That Barlow and " Froſt be deputed by the Society to preſent the addreſs of the " Society at the bar of the National Convention in France?

A. Yes.

Q. Did that reſolution paſs?

A. Yes.

Q. Do you find that Barlow and Froſt having accepted the above deputation, the Society thank them for it?

A. Yes; nearly in thoſe words.

Q. Did that paſs?

A. Yes.

Q. Do you find an entry there—" That a ſubſcription be " opened for aſſiſting the efforts of France in the cauſe of " freedom."?

A. Yes.

Q. Was ſuch a ſubſcription opened in the Society?

A. There never was but one that I recollect, and that was afterwards.

Q. Go

Q. Go to the meeting of the 14th of December, 1792; does Mr. Tooke appear to have been present at that meeting?

A. Yes.

Q. Mr. Bonney?

A. Yes.

Q. Mr. Martin?

A. Yes.

Q. Mr. Kydd?

A. Yes.

Q. Mr. Richter?

A. I do not see his name.

Q. Mr. Holcroft?

A. Yes.

Q. Mr. Joyce?

A. Mr. Joyce's name, I believe, does not appear.

Q. You will find there—"Read a printed address from "Manchester."

A. Yes.

Q. Do you find on the same day—"Resolved that one hun-"dred thousand copies of the same be printed by this Society, "and distributed to their correspondents in Great-Britain and "Ireland,"?

A. Yes.

Q. Was that resolution come to?

A. It was passed.

Q. Can you tell me whose hand-writing the resolution is, if I shew it you; if you look forward you will see an address from the Society of the Friends of Liberty and Equality sitting at Lyon?

A. Yes.

Q. Was that letter read?

A. I do not think it was read, it was in French; if I recollect some gentleman read part of it, and it was put aside.

Q. How came that entry to be made?

A. I do not know why it was made; it was mere matter of course; I believe it was begun to be read, but they did not think

think it worth while to go through it, I believe, as far as I recollect.

Q. Go on, you will find a letter from the Society of the Friends of Liberty and Equality at Macòn, that was ordered to be entered on the minutes of the Society?

A. Yes; but that was never read.

Q. There is a blank left in the book for it?

A. Yes.

Q. On the next meeting, the 21ſt of December, you will find a reſolution that ſome Gentlemen ſhould be a Committee for foreign correſpondence, Mr. Tooke and others?

A. Yes.

Q. Was Mr. Tooke preſent when that reſolution was come to on the 21ſt of December, 1792?

A. Yes, as far as appears by the book; I cannot take upon me to ſay that he was.

Q. Who are the perſons that were named to be the Committee of foreign correſpondence?

A. Mr. Tooke, Mr. Moore, Mr. Wan, Mr. Gerald, Mr. Kydd, Mr. Reader, Mr. Fitzgerald, Mr. Tuffin, and Lord Sempil.

Q. Look back to the entry of the 4th of May, 1792, and tell me who Mr. Gerald was propoſed and ſeconded by as a member of this Society?

A. Propoſed by Mr. Tooke, and ſeconded by Mr. Frost.

Q. Go to the meeting of the 18th of January, 1793; does Mr. Tooke appear to have been preſent on that day?

A. He does on the book.

Q. Do you find a reſolution there about Citizen St. André?

A. Yes.

Q. Did that reſolution paſs?

A. Yes.

Q. I underſtand your Society to have been held about once a week?

A. It was.

Q. Do you find Mr. Tooke preſent on the 25th of January, as far as appears upon the books?

A. Yes.

A. Yes.

Q. Was Mr. Martin there that day?

A. Yes.

Q. Was Mr. Wardle there that day?

A. Yes.

Q. Mr. Holdroft?

A. Yes.

Q. Mr. Bonney?

A. Yes.

Q. Do you find two reſolutions there about Citizen Barrere and Citizen Roland?

A. Yes.

Q. Were thoſe reſolutions come to at that meeting?

A. Yes.

Q. Go to the firſt of February, 1793, was Mr. Tooke preſent at that meeting, as far as appears by the book?

A. Yes.

Q. Do you find a reſolution there about reading a circular letter from the Sheffield Society for Conſtitutional Information?

A. Yes.

Q. Did that paſs?

A. Yes.

Q. Upon the 15th of February, 1793, was Mr. Tooke preſent that day?

A. By the books he was.

Q. Do you remember the reſolution about the ſpeeches of Mr André and Barrere?

A. Yes.

Q. At the meeting on the 15th, there was a letter from the Society for Conſtitutional Information at Birmingham read, in which they ſay, "our Society requeſt the favour of your admitting the following twelve perſons whoſe names are ſubſcribed,"?

A. Yes.

Q. Was that letter read?

A. No doubt it was, by its being entered.

Q. You

Q. You do not know the hand-writing of the original?

A. I do not indeed.

Q. Look at the meeting on the 15th of March, 1793; and was Mr. Tooke present then?

A. Yes.

Q. Do you find a reſolution in the book—" That the thanks " of the Society ſhould be given to Joel Barlow, and John " Froſt, for their conduct in the preſentation of the Addreſs of " this Society to the National Convention of France; and that " Mr. Froſt be aſſured that our regard for him is not leſſened, " but encreaſed by the proſecutions and perſecutions which his " faithful, and due diſcharge of that commiſſion may bring upon " him."?

A. It is entered here.

Q. Did that reſolution paſs?

A. Yes.

Q. Now for a moment juſt look back to the 18th of May, 1792, and tell me if you find Mr. Charles Sinclair elected a member of the Society, and who propoſed and ſeconded him?

A. He was propoſed by Mr. Tooke, and ſeconded by Mr. Froſt.

Q. Now go to the 12th of April, 1793, you will find an entry there, " Read an anſwer directed to be prepared to the " letter received from the Political Societies in Norwich." And a reſolution that the anſwer be ſent by the Secretary to the Secretaries of the ſaid Societies. Was that anſwer ſent; was that letter read?

A. Yes.

Q. Did you ſend the anſwer agreed to be ſent on that day?

A. Moſt likely I did.

Q. Was Mr. Tooke preſent then?

A. He appears upon the book.

Q. Was a gentleman of the name of Vaughan preſent that day?

A. It appears here that he was, but why he is put down I do not know, for he is not a member of the Society.

Q. Go

Q. Go on to the 28th of June, 1793; was Mr. Bonney present that day?

A. It appears so.

Q. Mr. Martin?

A. Yes.

Q. Mr. Joyce?

A. Yes.

Q. Was Mr. Yorke present?

A. Yes.

Q. Look back to the 21st of June, and tell me if Mr. Tooke, and Mr. Yorke, were both present then, as far as appears by the book?

A. Yes; as far as appears by the book.

Q. Should you have put them down if they had not been present some part of the time?

A. No; if they had not been present some part.

Q. Look to the 25th of October, 1793; does Mr. Tooke appear to have been present on that day?

A. Yes.

Q. Do you observe an entry, "Mr. Sinclair read a letter, "with an address from Mr. Skirving, Secretary to the Conven-"tion of the Friends of the People in Scotland, to the Secre-"tary of the London Corresponding Society."

A. Yes.

Q. Was that letter read?

A. Yes; I suppose so by the entry.

Q. You find a resolution about an Extraordinary General Meeting, did that also pass, according to your general belief?

A. Yes.

Q. Proceed to the 6th of December, 1793; was Mr. Tooke present upon that day, as far as appears upon the book?

A. Yes.

Q. Is there a resolution on that day—"That a General "Meeting of the Society be called for the second Friday in "January next, for the purpose of considering the important "letters received from the delegate Mr. Sinclair."

A. Yes.

A. Yes.

Q. Is there a resolution—"That a Committee should be appointed to correspond with their delegate Mr. Sinclair"?

A. Yes.

Q. Were those resolutions come to?

A. Yes.

Q. You were present upon the 28th of March, 1794?

A. Yes.

Q. Was Mr. Tooke present, as far as appears on that day?

A. Yes.

Q. Mr. Bonney?

A. Yes.

Q. Mr. Joyce?

A. Yes.

Q. Mr. Kydd?

A. Yes.

Q. Do you remember the resolution to enter a letter signed Thomas Hardy, upon the books of the Society, beginning Citizen?

A. Yes; it appears here.

Q. Is it entered?

A. Yes.

Q. Were you present at a Meeting of the 4th of April, 1794?

A. Yes.

Q. Was Mr. Tooke present then?

A. He appears in the book.

Q. Mr. Bonney?

A. Yes.

Q. Mr. Joyce?

A. Yes.

Q. Mr. Hardy?

A. Yes.

Q. Mr. Kydd?

A. Yes.

Q. Mr. Richter?

A. Yes.

A. Yes.

Q. Did the reſolutions paſs that are entered upon the book, as upon that day?

A. I ſhould have no doubt of it, as far as I can recollect.

Q. The 9th of May, 1794; was Mr. Tooke preſent then?

A. It appears ſo.

Q. Do you ſee an entry—"Read a pamphlet containing "certain proceedings of the London Correſponding Society, "and of this Society. Reſolved, that two thouſand of the "ſame be printed by this Society?"

A. Yes.

Q. Did that paſs?

A. Yes; I ſuppoſe ſo.

Mr. Daniel Adams,

Croſs-examined by *Mr. Tooke.*

Q. On the 24th of January, 1794; there is an order "That the Addreſs of the London Correſponding Society "ſhould be entered in the books of the Society." Was the Addreſs ever entered?

A. Not the Addreſs of the London Correſponding Society; I do not know that it was ever ordered—A motion was made, that it be reſolved, that the moſt excellent Addreſs of the London Correſponding Society be inſerted in the books of this Society.

Q. Is it inſerted any where?

A. It certainly was not.

Q. You have been aſked, whether on the firſt of April, 1792, the Society did come to that reſolution; to which you anſwer, as appears by the books, yes.—What did you underſtand when you were aſked, whether the Society came to that reſolution—had you any determinate notion of the perſons meant by the word *Society*; when the Attorney General aſked you, whether the Society did a particular thing, and you have anſwered, yes, becauſe you find it in the books; could you, if aſked, explain who were the individuals meant by the word *Society?*

A. I could not.

Q. Then at all times when you anſwered, that the Society did ſuch a thing, all that you mean to ſay was, that ſome perſons, but you do not know who, did ſo?

A. Yes; certainly.

Q. There is a great deal of intelligence gained by this.—Then you have been aſked many queſtions about the names of thoſe who propoſed certain members in the Society—did you, or did you not know, that in the year 1790, I was a candidate to repreſent the city of Weſtminſter in parliament?

A. Yes.

Q. Do you not ſuppoſe, that in conſequence of that many perſons might apply to me to be propoſed as members of that Society?

A. Very likely; but I do not know.

Q. You have been aſked, whether Mr. Vaughan was preſent at a certain meeting of the Society, you ſaid he was not a member; but it was ſaid he was a viſitor; did the Society admit of viſitors?

A. No.

Q. He often dined, I ſuppoſe, at the dinner-club, as many other gentlemen did?

A. Yes; he did.

Q. You were juſt now aſked, whether I did not appear to have been preſent, on the 25th of October, 1793, when a reſolution was paſſed relative to the delegates—you anſwered, that it appeared by the books I was—but you forgot, you before declared, that though I appeared by the books to be preſent, you knew I was not preſent, at that time?

A. You certainly was not preſent.

Q. You ſaid circumſtances led you to know that I was not preſent, at that time?

A. Yes.

Mr. Attorney General. Do you mean to ſay Mr. Tooke was not preſent at any part of that evening?

A. No, I do not mean to ſay that.

Lord Chief Juſtice Eyre. Gentlemen, it ſeems the purpoſe of this long examination has been only to ſhew, that thoſe articles

which

which are entered in this book, were real tranſactions of thoſe people who call themſelves the Society for Conſtitutional Information, conſiſting ſometimes of one ſet of people, and ſometimes of another: they have not read them to you for the purpoſe of your marking the contents of them as yet; but in order to entitle them to read them, it was neceſſary to go into this examination.

(*The following entries were read from the books of the Conſtitutional Society.*)

" At a meeting of the Society for Conſtitutional Information,
" held at the Secretary's houſe, Tooke's-court, Chancery-lane,
" Friday, 23d of March, 1791.

" PRESENT,

" Dr. Edwards, in the chair.

" Mr. Cooper, Mr. H. Tooke, Mr. Cooper (Mancheſter) Mr.
" Sharpe, Mr. B. Hollis, Mr. J. Adams, Mr. Favell, Mr.
" Tuffin, Mr. Froſt.

" Reſolved, That the thanks of this Society be given to Mr.
" Thomas Paine, for his moſt maſterly book, intituled 'The
" Rights of Man,' in which not only the malevolent ſophiſtries
" of hireling ſcribblers are detected and expoſed to merited ridi-
" cule, but many of the moſt important and beneficial political
" truths are ſtated, in a manner ſo irreſiſtibly convincing, as to
" promiſe the acceleration of that not very diſtant period, when
" uſurping borough ſellers, and profligate borough buyers, ſhall
" be deprived of what they impudently dare to call their pro-
" perty—the choice of the repreſentatives of the people.

" The Conſtitutional Society cannot help expreſſing their ſa-
" tisfaction that ſo valuable a publication has proceeded from a
" member of that Society; and they ſincerely hope that the
" people of England will give that attention to the ſubjects diſ-
" cuſſed in Mr. Paine's treatiſe, which their manifeſt importance
" ſo juſtly deſerve."

" Reſolved, That the foregoing reſolutions, and all future pro-
" ceedings of this Society, be regularly tranſmitted, by the Secre-

" tary, to all our corresponding Constitutional Societies in Eng-
" land, Scotland, and France."

" Resolved, That the above resolutions be published in the
" papers."

" Resolved, That the Secretary be desired to transmit the
" resolutions to Mr. Paine."

" At a meeting of the Society, held Friday, April 1st, 1791,
" at the Secretary's house, Tooke's-court, Chancery-lane.

" PRESENT,

" Richard Sharpe, Esq. in the chair.

" Count Zenobio, Mr. Favell, Mr. B. Cooper, Mr. J. Adams,
" Mr. Tooke, Mr. Cooper, (Manchester) Mr. Frost, Dr.
" Edwards, Mr. Brand Hollis.

" Resolved, That the resolutions of this Society, recom-
" mending Mr. Paine's book, 'The Rights of Man,' and pub-
" lished in several of the papers, be re-published in the follow-
" ing: General Evening, Morning Post, World, English
" Chronicle, Sherborne, Leeds, York, Bristol, Nottingham,
" and Birmingham."

Mr. Thomas Chapman, (sworn)

Examined by *Mr. Garrow.*

Q. Were you acquainted with Mr. Thomas Paine, the author of the Rights of Man?

A. I was.

Q. Look at this book *(shewing it to the witness)* and tell me whether you printed or published that work for Mr. Paine?

A. I printed it for Mr. Paine.

Q. It is the first part of the Rights of Man?

A. Yes.

Q. Had you, in the progress of publication, any communications with the author upon the subject?

A. I had.

(*The Extracts from the Firſt Part of the Rights of Man, read.*)
[*Vide Hardy's Trial*, vol. ii. *page* 14.]

Mr. Garrow. Mr. Adams is not here, we will, if your Lordſhip pleaſes, read an entry *de bene eſſe*, from the books of the Conſtitutional Society of the 22d of July, 1791.

Mr. Tooke. My Lord, there is not a word they have proved that I am not ready to admit againſt myſelf; it will ſave a great deal of time, if they will lay before me that which they have ſtill to bring, becauſe I perceive their conduct is honourable. I was afraid, when I came into this Court, that there was perjury to be brought againſt me—I have been ſuſpected to be a traitor, but I ſee nothing but what is honourable: let them ſhew me the paper, and I will admit every thing.

Lord Chief Juſtice Eyre. There is no objection to reading that extract, *de bene eſſe*, till Adams comes. I have repeatedly ſaid, that I will not bind down the priſoner by any admiſſions.

Mr. Tooke. I beg pardon—I ſay it would be poſſible if the Jury were not very attentive, by hearing a great many things proved, to make them think that they were things of conſequence, becauſe they were proved; I would rather they ſhould take them as admitted, and ſee what they are; for I am fearful they ſhould believe, that it would be impoſſible for an Attorney and Solicitor General to waſte hours and hours in proving thoſe things which I am willing to admit; and that they will really think they have weight, when I know they have not.

Lord Chief Juſtice Eyre. At preſent nothing will be read but that which is in proof, and every thing in proof will be read: hitherto thoſe proceedings have not been read, they have only been examined to for the purpoſe of identifying them, and ſhewing that they were real tranſactions of the perſons who compoſe this Society—what they are, is to be ſeen when they are read; the queſtion we were upon was, whether it was right or not, to read this one paper *de bene eſſe*, till Mr. Adams comes to prove it; to that extent I ſee no objection.

(The extract read.)

" At a Meeting held at the Secretary's houſe, Tooke's Court, ' Chancery Lane, Friday, 22d of July, 1791:

" PRESENT,

" Mr. Froſt in the chair;

" Mr. Jeremiah Batley; Reverend Dr. Towers; Mr. Bonney; " Mr. J. Adams; Mr. B. Cooper; Mr. I. L. Batley; Mr. " Satchel; Mr. Buſh; Mr. Paine; and Doctor Edwards.

" Reſolved, That the original and tranſlation of an Addreſs, " communicated by the Reverend Dr. Towers, from the So- " ciety of Nantes, be entered in the books of this Society."

" *To the Friends of Liberty, aſſembled together at London on* " *the 14th of July*, 1791, *to celebrate the French Revolution.*

" The free Citizens from the banks of the Loire addreſs " their teſtimonies of brotherhood and of good-will to the " noble ſons of liberty who inhabit the happy ſhores of the " Thames.

" Whilſt an impotent band of the factions are actively em- " ployed in the heart of France, and the proud Nobles are " carrying the poiſon of their calumny into foreign ports; " whilſt the Prieſts are labouring to rekindle, by their peſtilen- " tial breath, the extinguiſhed torch of fanaticiſm; and the firſt " of our functionaries has given to the people the example of " diſregarding his oath, our wiſhes and our ſentiments lead us " towards you, generous ſtrangers, who are engaged in cele- " brating the French Revolution—a happy preface of the re- " volution of the world! But why ſpeak we of you as of " ſtrangers! you are our friends, and our brethren: thoſe only " are ſtrangers to us who deſert them, and who excite wars in " order to perpetuate their tyrannical dominion, and to rivet " the chains of nations. The decrees which have eſtabliſhed

" the

" the French liberty have been like the trumpet ſounding the " reſurrection of the world: at our voice the nations have " raiſed their degraded fronts; tyrants have turned pale upon " their thrones; and, ſuch is the probable effect of this great " Revolution, that in a ſhort time nothing will be remaining " of them but the ſorrowful and ſhameful remembrance of their " faults, and of their crimes. Let the great ultra Montane " Bramah excommunicate us; his impotent thunders will only " ſerve to enkindle the fires which in France conſume his " effigy. We deſire to live in the ſame communion with all " the friends of peace and of liberty; and the oppreſſors of the " people are, in our eyes, the only ſchiſmatics. With what in- " expreſſible pleaſure have we ſeen your brave countrymen, our " happy precurſors in the cauſe of liberty, who reſide in France, " enrolling themſelves under our ſtandards, and augmenting the " number of the members who compoſe thoſe Societies, formed " on the pure principles of citizenſhip, of which you were the " firſt inſtitutors, and which are the unſhaken column of our " ſublime conſtitution. When a few years are elapſed, we " ſhall ſee the two firſt nations of the earth, England and France, " united together in a holy league, to avenge the human race of " thoſe unpuniſhed outrages which have diſgraced it during ſo " many ages.

" Generous Britons, love us, and unite yourſelves with us, " and the world will be free and happy.

(Signed) " FRANCIS, Preſident.
" SAVENEAU, Ex-Sec.
" HUGUES HARDORIIN,
" Perpetual Secretary."

" *Nantes, July* 5,
" 1791

" *To the Friends of the Conſtitution comprehending Three* " *Societies.*"

Mr. Thomas Chapman,

Croſs-examined by *Mr. Tooke.*

Q. I know you are a very religious man, and that you often read in the Bible, I deſire you to tell me whether you have never found in that book, which you venerate ſo much, expreſſions that you would not uſe before your family?

A. I do not know that there is any portion of ſcripture that I would not at all times read to my family.

Q. Do you not recollect expreſſions in that beſt of all books that you would not chuſe to read before your wife and daughters, or ſuffer others to read?—I do not repeat them, becauſe I dare ſwear the Bench, the Jury, and every man who ever read the Bible, will recollect certain expreſſions, which, for the ſake of decency, he would not chuſe to uſe before a family.—I do not chuſe to mention them.

A. There are portions of ſcripture which in the eſtimation of men may be conſidered as indecent, but in my notion there is no part of God's word that has any indecent expreſſion in it.

Q. But you would not chuſe to read that part to your wife and daughters?

A. No, I ſhould not appropriate thoſe parts particularly.

Mr. Tooke. You have been called to prove Mr. Paine's books, and, out of a great deal, ſmall portions of it have been read; and ſo you might read certain parts of the Bible———

Lord Chief Juſtice Eyre. That is not a proper ſubject to examine the witneſs to, it is obſervation upon the evidence, and certainly it is an obſervation that deſerves attention; but it is obſervation.

Mr. Tooke. I thank your Lordſhip, that is not the ſort of indulgence I proteſted againſt. If I have done wrong I beg your Lordſhip's pardon.

Lord Chief Juſtice Eyre. I only wiſhed to ſet you right, without ſpeaking with any aſperity.

Mr. Tooke. I have been but forty years a ſtudent, when I ſhall come to be called to the bar I hope I ſhall know better.

John

John Thompſon, (ſworn)

Examined by *Mr. Law*.

Q. Are you a meſſenger?

A. I am clerk to a public office at Whitechapel.

Q. Did you find this paper (*ſhewing it to the witneſs*) amongſt Mr. Tooke's papers at Wimbledon?

A. I did.

(*It was read.*)

"Addreſs and declaration of a ſelect meeting of the friends of "univerſal peace and liberty. The following addreſs and "declaration to our fellow citizens you) agreed on, and ordered "to be publiſhed.

"FRIENDS AND FELLOW CITIZENS,

"At a moment like the preſent, when wilful miſrepreſenta- "tions are induſtriouſly ſpread by the partiſans of arbitrary "power, and the advocates of paſſive obedience and court "government, we think it incumbent upon us to declare to the "world our principles and the motives of our conduct. We "rejoice at the glorious event of the French Revolution. If it "be aſked, what is the French Revolution to us? we anſwer "(as has been already anſwered in another place*) IT IS "MUCH to us as men, much to us as Engliſhmen—as men "who rejoice in the freedom of twenty-five millions of our "fellow-beings; we rejoice in the proſpect which ſuch a mag- "nificent example opens to the world; we congratulate the "French nation for having laid the axe to the root of tyranny, "and erecting a government on the *ſacred hereditary rights of "man*—rights which appertain to all, and not to any one more "than to another. We know of no human authority ſuperior "to that of a whole nation; and we profeſs and proclaim it as "our principle, that every nation has at all times an inherent "indefeaſible right to conſtitute and eſtabliſh ſuch Government "for itſelf as beſt accords with its diſpoſition, intereſt, and "happineſs.

* Declaration of the volunteers of Belfaſt.

" As Engliſhmen we alſo rejoice, becauſe we are *immediately* " intereſted in the French Revolution; without enquiring into " the juſtice, on either ſide, of the reproachful charges of in- " trigue and ambition which the Engliſh and French Courts " have conſtantly made on each other: we confine ourſelves to " this obſervation, that if the Court of France only was in " fault, and the numerous wars which have diſturbed both " countries are chargeable to her alone, *that Court* now exiſts " no longer, and the cauſe and the conſequence muſt ceaſe to- " gether. The French, therefore, by the revolution they have " made, have conquered for US as well as for themſelves, if it " be true that THEIR Court only was in fault, and ours never.

" On this ſtate of the caſe, the French Revolution *immedi-* " *ately* concerns us. We are oppreſſed with a known national " debt, a burden of taxes, and an expenſive adminiſtration of " Government, beyond thoſe of any people in the world; we " have alſo a very numerous poor; and we hold that the moral " obligation of providing for old age, helpleſs infancy, and " poverty, is far ſuperior to that of ſupplying the invented " wants of courtly extravagance, ambition, and intrigue. We " believe there is no inſtance to be produced, but in England, " of ſeven millions of inhabitants, which make but little more " than one million of families, paying yearly SEVENTEEN " MILLIONS of taxes. As it has always been held out by all " adminiſtrations that the reſtleſs ambition of the Court of " France rendered this expence neceſſary to us for our own " defence, we conſequently rejoice, as men deeply intereſted in " the French Revolution, becauſe it affords to us a ſubſtantial " ground for leſſening the enormous load of *our own* burdens " and taxes: *that* Court, as we have already ſaid, exiſts no " longer, and conſequently the ſame enormous expences need " not continue to us.

" Thus rejoicing, as we ſincerely do, both as men and Eng- " liſhmen, as lovers of univerſal peace and freedom, and as " friends to our own national proſperity and a reduction of our " public expences, we cannot but expreſs our aſtoniſhment " that any part, or any members of our own Government ſhould

" repro-

" reprobate the extinction of that *very power* of France, or wish " to ſee it reſtored, to whoſe influence they formerly attributed " (whilſt they appeared to lament) the enormous increaſe of " our own burdens and taxes: What then are they ſorry that the " pretence for new oppreſſive taxes, and the occaſion for con- " tinuing many old taxes, will be at an end? If ſo, and if it is " the policy of Courts, and Court-Government, to prefer ene- " mies to friends, and a ſyſtem of war to that of peace, as af- " fording more pretences for places, offices, penſions, revenue, " and taxation, it is high time for the people of every nation " to look with circumſpection to their own intereſts.

" Thoſe who *pay* the expence, and *not* thoſe who *participate* " in the emoluments ariſing from it, are the perſons immediately " intereſted in enquiries of this kind; we are a part of that na- " tional body on whom this annual expence of ſeventeen mil- " lions falls; and we conſider the preſent opportunity of the " French Revolution as a moſt happy one for leſſening the enor- " mous load under which this nation groans; if this be not " done, we ſhall then have reaſon to conclude that the cry of " intrigue and ambition againſt *other* Courts, is no more than " the common cant of all Courts. We think it alſo neceſſary " to expreſs our aſtoniſhment that a Government, deſirous of " being *called* FREE, ſhould *prefer* connections with the moſt " deſpotic and arbitrary powers in Europe; we know of none " more deſerving this deſcription than thoſe of Turkey and " Pruſſia, and the whole combination of German deſpots. Se- " parated, as we happily are, by nature from the tumults of the " continent, we reprobate all ſyſtems and intrigues, which ſa- " crifice (and that too at a great expence) the bleſſings of our " natural ſituation; ſuch ſyſtems cannot have a national " origin.

" If we are aſked what Goverment is? we hold it to be no- " thing more than a NATIONAL ASSOCIATION; and we hold " that to be the beſt which ſecures to every man his rights, " and promotes the greateſt quantity of happineſs with the *leaſt* " *expence*; we live to improve, or we live in vain; and there- " fore we admit of no maxims of Government or policy, on

" the

" the mere ſcore of antiquity, or other men's authority—the " *old* Whigs or the *new*. We will exerciſe the reaſon with " which we are endowed, or we poſſeſs it unworthily; as reaſon " is given at all times, it is for the purpoſe of being uſed at all " times.

" Among the bleſſings which the French Revolution has " produced to that nation, we enumerate the abolition of the " feudal ſyſtem of injuſtice and tyranny, on the 4th of Au- " guſt, 1789. Beneath the feudal ſyſtem all Europe has long " groaned, and from it England is not yet free. Game laws, " borough-tenures, and tyrannical monopolies, of numerous " kinds, ſtill remain amongſt us; but rejoicing, as we ſincerely " do, in the freedom of others, till we ſhall happily accompliſh " our own, we intended to commemorate this period to the uni- " verſal extirpation of the feudal ſyſtem, by meeting on the an- " niverſary of that day (the 4th of Auguſt), at the Crown and " Anchor; from this meeting we were prevented by the inter- " ference of *certain unnamed and ſkulking perſons*, with the " maſter of the tavern, who informed us, that, on their repre- " ſentations, he could not receive us *there*. Let thoſe who live " by, or countenance feudal oppreſſions, take the reproach of " this ineffectual meanneſs and cowardice to themſelves; they " cannot ſtifle the public declaration of our honeſt, open, and " avowed opinions.

" Theſe are our principles, and theſe our ſentiments; they " embrace the intereſt and happineſs of the great body of the " nation, of which we are a part. As to riots and tumults, let " thoſe anſwer for them who, by wilful miſrepreſentation, en- " deavour to excite and promote them; or who ſeek to *ſtun* the " ſenſe of the nation, and loſe the great cauſe of public good, in " the outrages of a miſinformed mob. We take our ground " on principles that require no ſuch riotous aid; we have no- " thing to apprehend from the poor, for we are pleading their " cauſe, and we fear not proud oppreſſion, for we have truth " on our ſide; we ſay, and we repeat it, that the French Re- " volution opens to the world an opportunity in which all good " citizens muſt rejoice, that of promoting the general happineſs

" of

" of man; and that it moreover offers to this Country, in par-
" ticular, an opportunity of reducing our enormous, and enor-
" mously misapplied taxes.

" These are our objects, and we will pursue them."

Note, This meeting was understood to have been held on the 20th of August, 1791.

Mr. William Woodfall, called again.

Mr. Law. Look at those papers.

A. The whole of the first paper I believe to be Mr. Tooke's hand-writing; of the second the interlineations only.

Mr. Tooke. They are both mine. One is my writing, the other is, I believe, my daughter's, the interlineations only. The admission of that paper might easily be taken, for it was long ago published in the newspapers, signed with my name.

Lord Chief Justice Eyre. If any thing should turn upon the date of it, which they have not yet ascertained, the circumstance of its being published in the newspapers at a given time, may be proper to be produced as evidence on your part.

James Thornton (sworn)

Examined by *Mr. Bower*.

Q. Are you one of the King's Messengers?

A. I am Clerk at the Public Office in Marlborough-street; I found this paper in Mr. Tooke's house, at Wimbledon.

(The paper was read.)

" DEAR SIR,

" The Manchester Constitutional Society have requested me " to abridge Paine, and to republish my propositions on Civil " Government. Sharpe, I hear, is not in town; Paine is in " France; and I do not know of any friend of his but your- " self, to whom I can send my proposed abridgment for his opi- " nion; indeed, I am, at any rate, desirous of your reading it; " for although two or three friends, to whom I referred it, here, " approve of it, I wish you, as a friend of Paine's, and of " mine, would be kind enough to take care that Paine's repu-

" tation

" tation is not mangled by mangling his book. We are going " on very well here; our Conſtitutional Society meets nume- " rouſly, and with a proper ſpirit; and every poſſible exertion " is making by the Ariſtocracy againſt us, as you may ſee by the " proceſt, and by the neceſſity we are under of vindicating our " reſolutions.

" Return me Paine, as ſoon as you can, that we may get it " out; and be kind enough to give me your opinion, whether " we (the Conſtitutional Society) ſhould print it ourſelves, or " undertake to order a certain number of copies, at what price, " certainly not to exceed one ſhilling; whether Jordan would feel " himſelf aggrieved, or Johnſon, who offered to print it, if I " would abridge it; in ſhort, in what way had we better do it?

" I hope your Addreſs to the Electors of Weſtminſter, and " your account of your ſpeech, &c. before the Committee, " does not ſtand ſtill. When do you go to France?

" Yours, very ſincerely,

" T. COOPER.

Addreſſed, " *John Horne* " *Lever Hall, near Bolton,*
" *Tooke, Eſq.*" " *Lancaſhire.*"

Mr. Tooke. I do not know what papers may have been taken from my houſe; but are letters written to me to be produced as evidence againſt me?

Lord Chief Juſtice Eyre. Being found in your poſſeſſion, they undoubtedly are producible as evidence; but, as to the effect of them, very much will depend upon the circumſtances of the contents of thoſe letters, and whether anſwers to them can be traced, or whether any thing has been done upon them. A great number of papers may be found in a man's poſſeſſion which will be, *prima facie*, evidence againſt him, but will be open to a variety of explanations; and it is always a very conſiderable explanation that nothing appears to have been done in conſequence of the paper being ſent to him. But all papers found in the poſſeſſion of a man are, *prima facie*, evidence againſt him, if the contents of them have application to the ſubject under conſideration.

Mr.

Mr. Tooke. The reaſon of my aſking it is, I am very much afraid that, beſides treaſon, I may be charged with blaſphemy.

Lord Chief Juſtice Eyre. You are not tried for that.

Mr. Tooke. It is notorious I do not anſwer common letters of civility, but I have received and kept many curious letters. I received ſome letters from a man whoſe name is Oliver Overall, and he endeavoured to prove to me that he was God the Father, Son, and Holy Ghoſt. (I kept the letters out of curioſity, and it is probable they may be produced againſt me.) He proved it from the Old Teſtament; in the firſt place that he was God the Father, becauſe God is *Over-all*; that is, God over all. He proved he was God the Son, from the New Teſtament—verily, verily, I am he; that is, *Veral I, Veral I*, I am he. Now, if theſe letters, written to me, which I, from curioſity, have preſerved, but upon which I have taken no ſtep, and to which I have given no anſwer, are produced againſt me, I do not know what may become of me.

Lord Chief Juſtice Eyre. If you can treat all the letters that have been found upon you with as much ſucceſs as you have theſe letters of your correſpondent, you will have no great reaſon for apprehenſion.

Mr. Tooke. I have ſeveral ſuch letters, that I have kept for their curioſity.

Lord Chief Juſtice Eyre. At preſent they cannot come in charge againſt you.

John Thompſon,—called again.

Mr. Law. Was that letter (*ſhewing it to the witneſs*) found by you?

A. Yes, in Mr. Horne Tooke's houſe, at Wimbledon.

(*It was read.*)

"DEAR SIR, "*Mancheſter, Auguſt* 29, 1791.

"I thank you for the paper you ſent me; I approve much of "the letter in it with your ſignature, and would gladly propagate "it, *if I could*, but I cannot.

"Your

" Your letter found me, at Mr. Walker's, confined by illneſs, " to my bed; and, not being able to apply to the Printer myſelf, " I deſired Walker to ſend the paper, with our compliments, " and that we requeſted the letter, ſigned L. H. T. might be " inſerted in the next Manchester newſpaper; the anſwer re- " turned was, that it could not be done that week, nor perhaps " the next, but he would ſee about it; yeſterday he ſent a note, " of which the following is a copy:

" When C. Wheeler gave Mr. Walker his reaſons for wiſh- " ing to decline the inſertion of the Belfaſt declaration, he " thought they would have equally applied to any other produc- " tion of the ſame nature; this, he finds, is not the caſe, as Mr. " Walker has ſent Mr. Tooke's addreſs, abounding with ex- " ceptionable remarks for publication, remarks which have a " right to ſubject both the writer and the publiſher to a proſecu- " tion; it may be ſaid that Government will not proſecute for " ſuch publications; that does not leſſen the *folly* of the publiſher, " in running a riſk which, it is his *duty*, as a member of ſo- " ciety, to avoid.

" Independent of theſe reaſons, C. Wheeler preſumes he may " have ſome claim to acting from *principle*; and he cannot but " declare, that he would wiſh, *in future*, to avoid publiſhing " what may hold out improper ideas to the public at large, who " ſeldom *think* much before they *act*; of this there is a recent " and melancholy inſtance.

" C. Wheeler is obliged to trouble Mr. Walker; and it ſeems " fair, in his own vindication; but he cannot help obſerving, " that it is with extreme regret he is now, or may be at a future " time, obliged to recede from any ſervice which Mr. Walker " may wiſh him to perform together."

" In Mancheſter there are two papers, publiſhed weekly; one " of them moſt decidedly and virulently ariſtocratic, the other " (C. Wheeler's) generally moderate, and rather in our favour " than adverſe; but you ſee that now we are decidedly excluded " from that, not only on the occaſion of your addreſs, but on " every other future political ſubject. We ſhall therefore im- " mediately ſet up a paper among ourſelves, which I have for-

" merly

" merly mentioned to you, and which we have not hitherto done,
" becauſe we thought that Wheeler would have no objection,
" on being paid, to inſert what we thought fit.

" Can you lend us any, and what aſſiſtance, in point of com-
" munications, to ſuch a paper; it will *at firſt* be gently, but
" always decidedly democratic, nor peſtered with ſo much preſ-
" byterian nonſenſe.—Can you give us any hints about it; we
" have already ſpoken to Sharpe, who has been down here; but
" Wheeler's anſwer came after his departure.

" I wrote to you about an intended abridgment of Paine;
" you ſent me no anſwer of any kind; I wiſh you had, becauſe
" I had a formal requeſt from our Society here to publiſh. The
" preface I ſent you with it; if you have—burn.

" I am, Dear Sir, your's ſincerely,
" THOMAS COOPER.

" Direct to me to Lever Hall, near Bolton, Lancaſhire."

Addreſſed " *I. Horne Tooke, Eſq. Richmond Buildings, Soho,*
" *London.*"

Mr. William Woodfall called again.

Mr. Law. Look at the interlineations on that paper, and ſay whoſe hand writing you believe them to be?

A. This paper was ſhewn me upon a late occaſion, I believe. The interlineations are very few—in the firſt page the word " incapacitated"—the word " whoſe;" and, in the ſecond page, the words " and every," and four lines and a piece are added to it, which, I believe, are Mr. Tooke's hand-writing; the reſt of the paper certainly is not Mr. Tooke's hand-writing.

Mr. John Gurnell (ſworn.)

Examined by *Mr. Law.*

Q. Look at that paper, which is marked, I believe, with your name?

A. It is, I ſeized this in Mr. Hardy's houſe.

(It

(*It was read.*)

[*Vide Hardy's Trial*, vol. i. page 201.]

The following Extract from the Book of the Conſtitutional Society was read:—

" At a Meeting, held on Friday, the 9th of March, 1792, at " the Secretary's, Tooke's-court, Chancery-lane.

" PRESENT,

" Richard Sharpe, Eſq. in the chair,

" Dr. Edwards, Mr. M. Buſh, Mr. Favell, Captain Tooke " Harwood, Mr. I. Adams, Mr. I. L. Batley, Mr. A. Buſh, " Mr. Hollis, Mr. Froſt, Mr. I. H. Tooke;—

" Joel Barlow, Eſq; author of Advice to the Privileged Orders, " was propoſed as an honorary member by Mr. Tooke, and " ſeconded by Mr. Sharpe.

" James Mackintoſh, Eſq; author of *Vindiciæ Gallicæ*, was " propoſed as an honorary member by Mr. Tooke, and ſeconded " by Mr. Sharpe."

Mr. Thomas Maclean. I found this paper in the poſſeſſion of Mr. Adams.

Lord Chief Juſtice Eyre. What account has been given of this letter? What does Adams ſay of it?

Mr. Bower. We have not examined Mr. Adams to it.

Mr. Erſkine. You muſt examine Adams to it, before you can read it.

Mr. Attorney General. It is the letter which includes the reſolutions from Sheffield, that have been read, with Mr. Tooke's hand-writing in them.

Lord Chief Juſtice Eyre. That has not been read yet; there was not that circumſtance to introduce it. Do you mean to prove, that any paper, found in Adams's poſſeſſion, has the hand-writing of the priſoner on it?

Mr. Attorney General. Yes. This is a paper relative to the Conſtitutional Society at Sheffield, which was found in the hands of the Secretary of the Conſtitutional Society in London, he being alſo a member of that Conſtitutional Society.

Mr.

Mr. Erskine. Adams is not a member of the Conſtitutional Society.

Mr. Bower. He ſaid he had been Secretary for many years.

Mr. Attorney General. It was found in his cuſtody, and it ſtands preciſely upon the ſame principle as every particle of evidence out of the Conſtitutional Society, that was admitted on the former trial, after Hardy became an aſſociated member.

Lord Chief Juſtice Eyre. It certainly does; but it has been thought neceſſary to-day to call Adams to ſubſtantiate the entries which were to be read from the book, and it ſeems to me to be proper that he ſhould be now called to explain what this is.

Mr. Attorney General. This is a caſe in which the paper is found in the poſſeſſion of Mr. Adams—that fact is proved—it has already been proved, that he was Secretary to the Society for Conſtitutional Information—it has already been proved, that Adams was preſent every week, from 1792, down to May 1794; and it has been proved, with a very few exceptions, that Mr. Tooke was likewiſe preſent at every one of thoſe nights; and Adams is the perſon in whoſe poſſeſſion the books of that Society were.

Mr. Erskine. If this is to be at all inſiſted upon, I ſhall uſher myſelf in to the attention of your Lordſhip, with the ſame apology that I made before, namely, that my client does conſider, very much to his honour, that there are intereſts of others at ſtake, as well as his own. I do profeſs, once more, I conceive it to be totally immaterial to me, and as little to my client, whether this letter is read or no.

Mr. Attorney General. This is not the time to addreſs the Jury on the effect of the evidence.

Mr. Erskine. I am ſpeaking to the Court, not looking to the Jury, nor aiming at the Jury—the interruption, therefore, is irregular.

Mr. Attorney General. I ſtated the ground upon which I thought this to be evidence; I did not ſtate any opinion of mine as to what I thought to be the effect of it, becauſe in

ſtating the principles upon which I thought it might be evidence, I have no right to addreſs even to the Court what I think will be the effect of that paper in evidence.

Mr. Erſkine. It is not very uſual to expect that a Counſel, who is to argue any thing, is juſt to fall into the idea in the contemplation of the Counſel who is to argue on the other ſide. Certainly I have a right to ſtate why I do take this objection. It is an objection that can at once be cured by calling Adams. I apprehend it is not my fault that I am now upon my legs to argue it, becauſe, if I underſtand what I am about, this point has been determined by your Lordſhip to-night before. This paper either contains ſomething which is to criminate the priſoner, or the contrary; if it does not, it is not relavant to the cauſe, and therefore not admiſſible.

If it be matter relavant to the cauſe, which it only can be, if it contains criminatory matter againſt the priſoner, it muſt be brought home to him; and I once more, therefore, do beg to remind your Lordſhips of the judgment pronounced by all the Judges upon the trial of Warren Haſtings, which your Lordſhip moſt undoubtedly did confirm upon what I had the honour to ſay before, as far as my argument went, and after I had addreſſed the Court ſome time, it turned out that we were at croſs purpoſes in fact, for if the Court had conceived I was aſking no more than I was aſking, I ſhould not have been permitted to have ſpoken. I was then denying the admiſſibility of juſt the ſame ſort of evidence as that which is now offered.

Then, if I am capable of comprehending any thing, we are exactly in the ſame condition as we were in ſome hours ago, when I contended that it was neceſſary, in the firſt inſtance, to call Adams for this purpoſe, to ſay when he received this paper, whether he had any reaſon to believe that it was read at any meeting; if read at any meeting, whether it was read at any meeting at which Mr. Tooke's name even appears in the book; if at any meeting where his name appears in the book, whether he has reaſon to believe that Mr. Tooke was preſent; for, in the inſtance, and the moſt material inſtance, where that overt-act is charged upon this record, namely, that Mr. Tooke was a

member

member of the Committee of Co-operation, though his name appears upon the book; upon that occaſion Adams has proved in point of fact, that he was not preſent. Then it may happen that either this letter was not read at all where he appears by the book to be preſent, or if he appears by the book to be preſent, that he was not actually preſent.

The Attorney General, however, has ſaid that this letter is ſomehow connected with ſome other matters of the Sheffield Society, where Mr. Tooke's name appears; how do we know, till it is read, what it is evidence of. I do not admit what it is about, nor can the Attorney General tell your Lordſhip *non conſtat* that Mr. Tooke had any thing to do with Sheffield. My view in objecting to this is, that your Lordſhip ſhould not hear it ſtated or read till it is made out by the ordinary rules of law, applicable both to criminal and civil juſtice, to be connected with the priſoner. I am ſorry to take up the time of the Court; I have ſhewn myſelf exceedingly ſlow to it, but when my client deſires I ſhould do this, though for reaſons given before, I do not myſelf think it at all of any weight in the cauſe, I hope the Attorney General will not think we mean to offer any irregular oppoſition, we only wiſh to have the fair, ordinary, impartial adminiſtration of juſtice, and I impute the contrary to no man.

Mr. Gibbs. My Lord, this letter, the contents of which I know not, is offered in evidence againſt Mr. Tooke, with a view to affect him with its contents; and the ground upon which it is offered in evidence to your Lordſhip is this—that it is found in the cuſtody of a Mr. Adams, who is the Secretary of a Society to which it is proved that Mr. Tooke belonged. Now common reaſon tells one that a third perſon who is not proved to have ſeen this letter; who is not proved to have been preſent when it was received; who is not proved ever to have known that it was in the cuſtody of Adams; common reaſon and common juſtice tell one that that third perſon ought not to be affected with the contents of a paper ſo found.

Then let us ſee whether the rules of law do not fall in with that which common reaſon and common juſtice require—how can

Mr. Tooke ultimately be affected with this paper? Only by proving that he at leaſt knew the contents of it; at leaſt knew that it was in the poſſeſſion of Adams. Adams is here, he is the perſon in whoſe cuſtody the paper is found, he may be queſtioned by the Counſel for the Crown, whether Mr. Tooke did know that this paper was in his poſſeſſion, and whether Mr. Tooke did know the contents of it—then can any man ſay that the ſimple production of this paper, found only in the cuſtody of Mr. Adams, is the beſt evidence that the nature of this caſe admits, for the purpoſe of affecting Mr. Tooke with it? Can Mr. Tooke be affected with this letter by any other means than by ſhewing that being found in the cuſtody of Adams, it was there with the knowledge of Mr. Tooke, and Mr. Tooke either acted upon it, or knew the contents of it. Is the production of the paper, and the proof that it was found in Adams's cuſtody, evidence of that fact? I do not admit that it is any evidence at all, but is it ſo good evidence as the teſtimony of Mr. Adams himſelf, who is now in Court, and who may either affirm or deny that propoſition which alone can affect Mr. Tooke—the propoſition that he did, or not, know that this letter was in his cuſtody.

Now not only the reaſon and juſtice of the caſe, not only the rule of law that requires that where better evidence can be given, worſe ſhall not be received—not only thoſe two rules fall in with what we are contending for, but I apprehend your Lordſhips in the deciſion you came to in Mr. Haſtings's caſe, have expreſsly decided this point; I may be miſinformed upon that ſubject, but I underſtand that the principle which decided in that caſe was, that where it was meant to affect the accuſed perſon with the contents of a paper, that thoſe contents ſhould not be read until it was proved that they did in ſome reſpect affect the priſoner.—That I underſtand to be the queſtion that aroſe upon the letter from Munny Begum, which was found in Mr. Haſtings's own cuſtody. There was not there a Mr. Adams who could be brought forward to ſay whether the priſoner had, or not, a knowledge of the letter; but there it was decided that until the proſecutor had proved that that letter was

brought

brought home to the knowledge of the priſoner, that he had acted upon it, or knew its contents, that it could not be given in evidence, yet that it might be admiſſible evidence when that was proved. The argument was, we will firſt read a paper, then we ſhall affect Mr. Haſtings with it afterwards. No, ſay the Judges, you ſhall not give that in evidence which may have ſome effect to prejudice the Judges, by ſaying you propoſe to fix it upon the priſoner afterwards, which poſſibly you cannot. So here a letter, merely found in the cuſtody of Adams, without proving that Mr. Tooke knew it was in his cuſtody, or the contents of it, we ſubmit is not to be received. We inſiſt here, as Counſel for Mr. Tooke, that you muſt firſt bring the contents of this letter home to him before you can read it, as the Counſel for Mr. Haſtings contended that the Managers for the Commons muſt fix Mr. Haſtings with knowledge of the contents of the letter from Munny Begum before they could be permitted to read it. Upon that ground—upon the ground I before ſtated, that it is not (if it be any evidence) the beſt evidence the nature of the caſe admits of here, we ſubmit that this letter cannot be received in evidence until Adams is called, and upon his oath brings this letter home to the priſoner.

Mr. Erſkine. This letter is not directed to Mr. Adams in the character of Secretary of this Society, but it is a letter ſigned by Aſhton, at Sheffield, and directed only "to Mr. Adams, "Tooke's-court, Chancery-lane"—without deſiring him to lay it before the Society, or even addreſſing him in the character of Secretary.

Lord Chief Juſtice Eyre. My difficulty aroſe from the mere circumſtance of Mr. Adams having been in Court, all along having been examined to a great number of other particulars, and conſequently being able to give a more ſatisfactory account of this paper, than laying it before the Jury upon the mere evidence of the paper having been found in his poſſeſſion. Surely the former determination of to-day does not touch this caſe, becauſe that determination was upon the evidence of the mere finding of theſe books upon a Mr. Adams, before any

evidence was given that Adams had any connection either with the priſoner in particular, or with that Society in general, whoſe proceedings they purported to be, and I was of opinion that that was not ſufficient evidence to be let in as proof that they had any thing to do with a Society of the name of the Society for Conſtitutional Information, ſtill leſs with the priſoner.

If the Attorney General inſiſts upon this going to the Jury upon the mere circumſtance of being found upon Adams, I think it muſt go to the Jury, but it will go to the Jury in ſo mutilated a way, that there will be no evidence to bring it home to the priſoner at the bar; but it would be upon the ground on which a multitude of papers were admitted in the laſt cauſe, and muſt neceſſarily be in all caſes of this nature, where there is a general conſpiracy charged, in which there are a great number of agents; all that which proves the tranſactions of any of thoſe agents becomes general evidence in the cauſe with reſpect to the general nature of the conſpiracy, leaving the particular part which belongs to the priſoner to be proved by direct evidence applicable to him. I thought it would have been the better way to have aſked Adams the queſtion that has been ſuggeſted.

Mr. Attorney General. I would not have inſiſted on it upon any other ground than this, that conceiving it evidence, I do not think I am at liberty to ſacrifice the great principles of the rules of law, however uſeful it may be to go beyond them in a particular caſe.

Lord Chief Juſtice Eyre. I thank you for calling us back to our rules, for certainly we ought not to forget in this cauſe what we did in the laſt.

Mr. Law. The point to which my friends have alluded, that occurred on the trial of Mr. Haſtings, was a mere queſtion of law—whether a perſon tranſmitting *ex officio* ſome papers reſpecting a charge of Nuncomar, made behind the back of Mr. Haſtings, when he diſſolved the Council, and went away—whether thoſe papers were evidence of the fact.

Lord Chief Juſtice Eyre. There was nothing in that caſe but the mere perſonal charge againſt Mr. Haſtings; there was no

conſpiracy in which other perſons were or could be impli-cated.

Mr. Juſtice Lawrence. In Lord Strafford's caſe, a great deal was proved againſt Lord Strafford in Spain, the Low Countries, Italy, and various other places; and in Lord Lovat's caſe a great deal was proved againſt him that was done in various places, and unleſs ultimately brought and fixed upon him it amounted to nothing.

(*The letter was read.*)

[*Vide Hardy's Trial*, vol. iii. page 377.]

Mr. Attorney General. In this letter from Aſhton to Adams, we propoſe to prove that there is Mr. Tooke's hand-writing.

Lord Chief Juſtice Eyre. We are come now to a time of night, and the cauſe is in ſuch a ſtage, as I think makes it abſolutely neceſſary for the Court now to come to ſome reſolution as to its future proceedings. I obſerved that the priſoner at the bar did early in the morning expreſsly proteſt againſt any adjournment, and it undoubtedly is a point in which he is materially intereſted, and in which the Crown is alſo materially intereſted. Before the Court do come to any definitive reſolution upon it, they are ready to hear any thing that on either ſide it may be thought fit to offer to them upon the ſubject.

Mr. Attorney General. On the part of the proſecution I wiſh to ſubmit entirely to the juſtice and pleaſure of the Court acting according to what they think to be law and juſtice upon the ſubject. It is my duty to apprize the Court, and thoſe concerned on the other ſide, that the evidence I have to offer upon the part of the proſecution muſt conſume a great deal of time—I am myſelf ready to execute my duty in any way the Court may think proper.

Mr. Tooke. As far as relates to myſelf, I confeſs that what I ſaid when firſt I entered the Court ſtill impreſſes my mind, not that it affects me, but upon my honour, without any perſonal conſideration whatever, I do think the criminal law and practice of the land exceedingly concerned in what has paſſed,

but, at the ſame time, the kindneſs, the indulgence I have met with—becauſe in that way I accept of indulgence, and nobody feels it more ſenſibly than I do—I leave it entirely to the Court, who muſt be better able to judge than I am of that which is fit for the ſubjects of this land. I beg your Lordſhip to be perſuaded, that whatever you wiſh me to aſk—I do not ſay what you recommend, becauſe I am perſuaded you will not recommend—but I beg your Lordſhip to believe that I aſk that which you wiſh me to aſk, becauſe I know you will not call upon me to *conſent*; for the laws of the land can never be got rid of by the conſent of a poor miſerable priſoner, who perhaps trembles for his life, and yields to whatever he gueſſes would be recommended by the Court.—And I repeat to the Court, that I beg to be underſtood to aſk that which they would wiſh me to aſk.

Lord Chief Juſtice Eyre. Nothing can be more correct than the conduct of the priſoner at the bar: this ſubject of adjournment has undergone a great deal of our anxious conſideration ſince it was firſt ſtarted, and ſince we ſaw the infinite magnitude and extent of the cauſe which was to be tried. There can be no doubt but that the general rule is, that, in theſe criminal proceedings more eſpecially, there ought, if poſſible, to be no adjournment; the proceedings ſhould go on without intermiſſion, and particularly that the Jury ſhould not be ſeparated, and that there ſhould be no acceſs to them until they have given their verdict. I do not know that it ever underwent a ſolemn conſideration, except in one caſe, the caſe of Lord Delamere: that was a particular caſe, becauſe it was before Lords Triers, and not in full Parliament. The difficulty was whether the trial could be adjourned, and what was to be done with the Lords Triers. The Judges of the common law, who attended, were conſulted upon it; they delivered it in as their opinion, that in the Courts below, the Jury, when once charged, were not to be diſcharged till they had pronounced their verdict; that they were not to ſeparate; and that the courſe was to go on without intermiſſion. They did not preſume to ſay what the rule was in Parliament: they referred to a general uſage in the Courts of common law (not reſpecting trials in capital caſes in

particular—not even reſpecting trials in criminal caſes, but reſpecting all trials, taking it upon the general principle), that a Jury once charged are not to be ſeparated till they have pronounced their verdict.

Upon the authority of that caſe, and upon the practice, it undoubtedly is ſo far eſtabliſhed, that there never ought to be an adjournment or a ſeparation, in any degree, of the Jury, if it can be avoided; but there may ariſe a neceſſity ſo urgent that all thoſe principles of juſtice, which originally demanded that there ſhould be no adjournment, would loudly call for an adjournment; becauſe the true principle upon which it is required that there ſhould be no adjournment, is for the furtherance of juſtice, that it may be quite ſure that juſtice will be done, both to the Crown and to the priſoner; that there ſhould be no opportunity of having intercourſe with the Jury, and that there may be no improper influence upon the minds of thoſe who are in any manner to take a part in the deciſion of the cauſe. That is the general ground upon which this rule has been eſtabliſhed. But let a caſe ariſe in which it is manifeſt that if the cauſe goes on, without interruption or adjournment, it is utterly impoſſible that juſtice ſhould be done; if it is likely to go into a length which will exhauſt the human faculties, let them be as powerful and as ſtrong as they may be; that neither the Judge can preſerve his faculties to conduct the trial, nor the Jury can preſerve that attention which is neceſſary to enable them to comprehend what the juſtice of the caſe is: what is it we ſhould be doing, by going on with ſuch a trial, but delivering over the life and honour of a priſoner, and delivering over the public juſtice of the country, to the accidental reſult of all that confuſion with which ſuch a caſe muſt go to the minds of a Jury when the trial is cloſed.

Suppoſing that it was poſſible for human exertions to enable us to get to that length, there are then many other conſiderations of extreme importance. What if any of the Jury ſhould be ſo totally diſabled, in conſequence of the fatigue and want of neceſſary refreſhment, that they cannot proceed, that they might even die before they could pronounce their verdict! We have

 had

had an intimation that two hundred hours were ſpent in the diſcuſſion of the laſt caſe of this ſort; I know what it was to ſuſtain the fatigue of eight days attendance, with the intervals that we had. My own caſe is a ſmall conſideration, becauſe my individual loſs would have been exceedingly well ſupplied by my Lord and my brothers; but what if, inſtead of my being deſtroyed, it had happened that one of the Jury had been! the conſequence would have been, the priſoner muſt have had all this trial to undergo again, after all the evidence had been cloſed; and after all, thoſe evils would neceſſarily have ariſen, which it was the object of refuſing an adjournment to guard againſt.

It does appear to me, therefore, if we ſuppoſe the neceſſity to be well eſtabliſhed, that it is of ſo powerful a nature as to controul the general rule and the general practice. Now how urgent that neceſſity is, we may learn from what did happen in the laſt cauſe, and from what we now ſee muſt happen in this cauſe. It does appear to me that there is not any chance of our going through this trial, either with juſtice to the public or with juſtice to the priſoner, and without manifeſt hazard to the priſoner, in caſe it ſhould happen that a Juryman ſhould ſink under the fatigue; and that the ends of juſtice, and a due concern for the ſafety of the priſoner, does, in truth, oblige us to direct that an adjournment ſhould be made, and to go on as cloſely and diligently as we can, with ſuch an interval of refreſhment and reſt as may enable us to come to the end of this cauſe with ſome tolerable ability to comprehend what the cauſe is. I will not put the priſoner to aſk any thing—if an advantage may ariſe to him, let him have the benefit of it—my own idea is, that, without aſking the conſent of either the proſecutor or the priſoner, the Court is bound to take upon itſelf the reſponſibility that does belong to directing an adjournment in a caſe ſo circumſtanced, and that the Court ought to do it, taking the conſequences, whatever they may be.

Lord Chief Baron Macdonald. Since the laſt trial I have revolved this ſubject very much in my own mind; and it ſeems to me, that when we come to conſider what is the rule, it will reſolve itſelf into this ſort of conſideration—The object of the rule

rule that the Jury ſhall not go out of Court is, that they ſhall be inacceſſible; the method in which that has been ſecured is, by their not going out of Court: that is the manner in which the ſubſtance of the principle has been obtained. But if you can preſerve the ſpirit, and are forced by phyſical neceſſity to make the form bend, it does not ſeem to me that the ſacred principle of law is materially trenched upon if the Jury continue inacceſſible. And it does not abſolutely require that all the conſtituent members of the Court—in which I include the Counſel on both ſides, who are to ſet forth their caſe; the Jury, who are ultimately to determine the fact; the Judges, who are to ſee that the law is declared on both ſides, and with eſpecial care on the ſide of the priſoner—if the rule of law cannot be preſerved, conſiſtent with phyſical neceſſity, it ſeems to me the Court is juſtified in deviating from the particular mode that has obtained, taking care that the Jury do continue inacceſſible.

Now, for example, were the priſoner's caſe to come forth at this moment, I confeſs myſelf, for one, after fourteen hours cloſe attention, to be utterly incapable of doing my duty towards him. I think his intereſt is eſpecially concerned in it; and the rather, becauſe his caſe comes after the attention of both the Bench and the Jury is exhauſted; he would come with peculiar diſadvantage, if, when we were worn out beyond what our power and ſtrength can bear, we were to be called upon to conſider his caſe.

Upon theſe conſiderations, which have weighed much with me, added to what my Lord Chief Juſtice has ſaid, it ſeems to me, the thing is perfectly in its right train, that the priſoner ſhould have no concern in the matter at all, but that he ſhould leave the deviation from the manner in which the inacceſſibility of the Jury has conſtantly hitherto been preſerved, to the Court, who are driven to that deviation by abſolute neceſſity. There has been a caſe where this has occurred—the caſe of Elizabeth Canning; and there, where phyſical neceſſity forced an adjournment, there it was complied with: but, except in the caſe of phyſical neceſſity or impoſſibility, undoubtedly the rule ought to be obſerved.

Mr.

Mr. Tooke. In order too meet your Lordſhip here to-day at eight o'clock, I was compelled to get up at between three and four; and that will be my caſe every day. I labour under a very painful infirmity, and I muſt be up four or five hours before I can come here.

Lord Chief Juſtice Eyre. What can we do for you?

Mr. Tooke. If I go from hence, and am to attend very early, I ſhall have no time for ſleep.

Lord Chief Juſtice Eyre. What I purpoſed was to meet at nine in the morning, and ſit till nine at night punctually, with an interval of one quarter of an hour only to take refreſhment.

Mr. Tooke. I will do the utmoſt in my power.

Lord Chief Juſtice Eyre. We ſhall not preſs you, Mr. Tooke, if your infirmities ſhould require our waiting a little for you.

Mr. Tooke. I will endeavour not to ſuffer your Lordſhips to wait.

Adjourned, it now being half paſt ten o'clock at night, to to-morrow morning, nine o'clock.

SESSION

SESSION HOUSE IN THE OLD BAILEY.

Tueſday, November the 18th.

PRESENT,

Lord Chief Juſtice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Juſtice GROSE;
Mr. Juſtice LAWRENCE;
And others, his Majeſty's Juſtices, &c.

John Horne Tooke ſet to the bar.

Mr. Thomas Maclean called again.

Mr. Bower. Look at that paper—Where did you find it?

A. I found it in the poſſeſſion of Mr. Adams.

Mr. Bower. This is a letter from the Society for Conſtitutional Information, at Sheffield, to Mr. Adams. Mr. Woodfall will prove, when he comes, that ſome interlineations are Mr. Tooke's hand-writing: we will read the letter in the mean time.

(It was read.)

[*Vide Hardy's Trial. Vol.* 3, *page* 379.]

Mr. William Woodfall called again.

Mr. Bower. Look at the words that are interlined in this letter.

A. In the firſt page there is a word ſtruck out; I believe "*Government*", but it is ſo obliterated that it is not eaſily diſcernable, and the word "*Country*" inſerted.

Q. In whoſe hand-writing?

A. I believe Mr. Tooke's.

Mr. Tooke. It is certainly mine.

Mr.

Mr. Bower. The alteration in Mr. Tooke's hand-writing is in two places; " *a radical Reform of the Country,*" inſtead of " *a radical Reform of the Government.*" We are now going to read an entry from the book of the Conſtitutional Society of the 16th of March, 1792.

(It was read.)

" At a meeting held at the Secretary's, Tooke's-court, " Chancery-lane, Friday, 16th of March, 1792.

" PRESENT,

" I. H. Tooke, Eſq; in the Chair,

" Mr. Paine, Mr. Hull, Mr. I. Adams, Mr. Sharpe, Mr. " Froſt, Capt. Tooke Harwood, Mr. M. Buſh, Mr. A. " Buſh, Mr. G. Lloyd, Rev. Dr. Towers.

" James Mackintoſh and Joel Barlow, Eſqrs. were unani- " mouſly elected honorary members."

" Ordered, that the Secretary do inform James Mackintoſh, " Eſq; author of Vidiciæ Gallicæ, that he has been this day " unanimouſly elected an honorary member of this Society."

" Ordered, that the Secretary do inform Joel Barlow, Eſq; " author of the Advice to Privileged Orders, that he has been " this day unanimouſly elected an honorary member of this So- " ciety."

" The Chairman of the Society for Conſtitutional Informa- " tion, eſtabliſhed at Mancheſter, having communicated to this " Society the following reſolutions:

" *Bull's Head Inn, Mancheſter, March* 13, 1792.

" At a meeting of the Mancheſter Conſtitutional Society, " held this day, it was unanimouſly reſolved,

" That the thanks of this Society are due to Mr. Thomas " Paine, for the publication of his " Second Part of the Rights " of Man, combining principle and practice;" a work of the " higheſt importance to every nation under heaven, but parti- " cularly to this, as containing excellent and practicable plans " for an immediate and conſiderable reduction of the public ex- " penditure; for the prevention of wars; for the extenſion of

" our

" our manufactures and commerce; for the education of the " young; for the comfortable ſupport of the aged; for the better " maintenance of the poor of every deſcription; and, finally, " for leſſening greatly, and without delay, the enormous load of " taxes under which this Country, at preſent, labours.

" That this Society congratulate their Country at large on the " influence which Mr. Paine's publications appear to have had in " procuring the repeal of ſome oppreſſive taxes in the preſent " Seſſion of Parliament; and they hope that this adoption of a " ſmall part of Mr. Paine's *ideas will be followed by the moſt " ſtrenuous exertions to accompliſh a complete Reform in the pre- " ſent inadequate ſtate of the repreſentation of the people*; and " that the other great plans of public benefit, which Mr. Paine " has ſo powerfully recommended, will be ſpeedily carried into " effect.

(Signed) " THOMAS WALKER, Preſident.
" SAMUEL JACKSON, Secretary."

" Ordered, that the Secretary do return, to the Chairman of " the Society at Manchester, the thanks of this Society for his " communication; at the ſame time aſſuring him that this So- " ciety does heartily concur in the above reſolutions."

" Reſolved, that the above reſolutions be publiſhed twice in " the following papers; Times, Poſt, Chronicle, World, Ar- " gus, Engliſh Chronicle, and General Evening; and ſigned by " the Chairman."

Mr. Bower. We will now ſhew that the minutes of thoſe proceedings are in Mr. Tooke's hand-writing; Mr. Tooke was that day in the chair.

Mr. Woodfall. I believe this is all the hand-writing of Mr. Tooke, except the identification.

Mr. Tooke. They are all in my hand-writing.

(The rough draft of the minutes was read.)

Mr. Bower. We will now read the proceedings of the 23d of March, 1792. Mr. Woodfall, do you know whoſe hand-writing that is?

A. This

A. This is the paper I proved laſt night.

Lord Chief Juſtice Eyre. Does the paper, which is wafered to the book, contain the ſame reſolutions as are entered in the book, or are theſe the reſolutions themſelves?

Mr. Attorney General. The wafered paper, which is a printed paper, has an introduction in the hand-writing of Mr. Tooke.

Mr. Gibbs. I think that was not found wafered.

Mr. Attorney General. Yes, it was; but it was broke off by the witneſs laſt night.

(It was read.)

" At a meeting held at the Secretary's houſe, Tooke's-court, " Chancery-lane, Friday, 23d of March, 1792,

" PRESENT,

" Capt. W. Tooke Harwood, in the Chair,

" Mr. I. H. Tooke, Mr. Merry, Mr. I. L. Batley, Mr. Buſh, " Mr. Aſpinal, Mr. Bonney, Mr. I. Adams, Dr. Edwards, " Mr. A. Buſh, Mr. Sharpe, Mr. Lloyd.

" This Society having received the following and other com- " munications from Sheffield (*in writing*), " Sheffield Society " for Conſtitutional Information," (*in print*) " March 14, " 1792." (*in writing.*)"

" This Society, compoſed chiefly of the manufacturers of " Sheffield, began about four months ago, and is already in- " creaſed to nearly two thouſand members, and is daily increa- " ſing, excluſive of the adjacent towns and villages, who are " forming themſelves into ſimilar Societies.

" Conſidering, as we do, that the want of knowledge and in- " formation in the general maſs of the people, has expoſed them " to numberleſs impoſitions and abuſes, the exertions of this " Society are directed to the acquirement of uſeful knowledge, " and to ſpread the ſame as far as our endeavours and abilities can " extend.

" We declare that we have derived more true knowledge " from the two works of Mr. Thomas Paine, entitled Rights of

" Man,

" Man, part the firſt and ſecond, than from any other author on " the ſubject. The practice as well as the principle of Go- " vernment is laid down in thoſe works in a manner ſo clear " and irreſiſtibly convincing, that this Society do hereby reſolve " to give their thanks to Mr. Paine for his two ſaid publica- " tions, entitled " Rights of Man," parts 1ſt and 2d." Alſo

" Reſolved unanimouſly, that the thanks of this Society be " given to Mr. Paine for the affectionate concern he has ſhewn " in his ſecond work in behalf of the poor, the infant, and the " aged, who, notwithſtanding the opulence which bleſſes other " parts of the community, are, by the grievous weight of taxes, " rendered the miſerable victims of poverty and wretchedneſs."

" Reſolved unanimouſly, that the thanks of this Society be " given to John Horne Tooke, Eſq; for his meritorious ſup- " port of our lawful privileges, as a firm advocate of our na- " tural and juſt rights, the eſtabliſhment of an equal repreſen- " tation of the people."

" Reſolved unanimouſly, that this Society diſdaining to be " conſidered either of a Miniſterial or an Oppoſition Party, " (names of which we are tired, having been ſo often deceived " by both) do ardently recommend it to all their fellow citizens, " into whoſe hands theſe reſolutions may come, to confer ſeriouſly " and calmly with each other on the ſubject alluded to; and to " manifeſt to the world that the ſpirit of true liberty is a ſpirit of " order; and that to obtain juſtice, it is conſiſtent that we be " juſt ourſelves."

" Reſolved unanimouſly, that theſe reſolutions be printed, " and that a copy thereof be tranſmitted to the Society for " Conſtitutional Information in London, requeſting their ap- " probation for twelve of our friends to be entered into the " Society, for the purpoſe of eſtabliſhing a connection, and a " regular communication with that and all other ſimilar Societies " in the kingdom."

" By order of the Committee,

" DAVID MARTIN, Chairman."

Note. *The following reſolutions were in writing.*

" Ordered, That the Secretary do return the thanks of this Soci-
" ety to the Society for Conſtitutional Information, eſtabliſhed at
" Sheffield; and that he expreſs to them with what friendſhip and
" affection this Society embraces them as brothers, and fellow la-
" bourers in the ſame cauſe. That he do aſſure them of our intire
" concurrence with their opinion, viz. That the people of this
" Country are not, as Mr. Burke terms them, SWINE; but
" rational beings, better qualified to ſeparate truth from error
" than himſelf, poſſeſſing more honeſty, and leſs craft."

" Reſolved, That this Society will, on Friday next, March
" 30th, ballot for the twelve aſſociated members, recommended
" by the Sheffield Committee, and approved at this meeting."

" W. TOOKE HARWOOD,
" Chairman."

" At a meeting held at the Secretary's houſe, No. 4, Tooke's-
" court, Chancery-lane, Friday, 30th of March, 1792.

" PRESENT,

" Major Cartwright, in the chair.

" Mr. I. L. Batley, Mr. Jeremiah Batley, Mr. I. H. Tooke,
" Mr. I. Adams, Mr. Weſt, Dr. Edwards, Mr. Favell,
" Mr. Tuffin, Mr. Hollis, Mr. Buſh, Mr. A. Buſh, Mr.
" Paine, Mr. Aſpinal, Mr. Hull, Mr. Lockhart, Mr. Joel
" Barlow, Mr. T. Harwood, Colonel Boſville, Mr. Froſt.

" Ordered, That the Secretary do inform the Secretary of the
" Conſtitutional Society at Sheffield, of the election of twelve
" of their members, as aſſociated members of this Society."

" Read a letter with incloſed reſolutions from Mr. Thomas
" Hardy, Secretary to the Correſponding Society, London.

" Ordered, That the Secretary do acknowledge the receipt of
" the ſaid papers."

" Ordered, That the following reſolutions from the above
" Society be publiſhed in the papers."

" Ordered, That the following reſolutions of this Society be
" publiſhed with them."

" The

" The Society having this day received the following commu-
" nication, *videlicet.*

" London Correſponding Society.

" Reſolved, That every individual has a right to ſhare in the
" Government of that Society of which he is a member, unleſs
" incapacitated."

" Reſolved, That nothing but non-age, a privation of rea-
" ſon, or an offence againſt the general rules of ſociety can inca-
" pacitate him."

" Reſolved, That it is no leſs the right than the duty of every
" citizen to keep a watchful eye on the Government of his Coun-
" try, that the laws by being multiplied do not degenerate into
" oppreſſion; and that thoſe who are intruſted with the Govern-
" ment, do not ſubſtitute private intereſt for public advantage."

" Reſolved, That the people of Great-Britain are not pro-
" perly repreſented in Parliament."

" Reſolved, That in conſequence of a partial, unequal, and
" inadequate repreſentation, together with the corrupt method
" in which repreſentatives are elected, oppreſſive taxes, unjuſt
" laws, reſtrictions of liberty, and waſting of the public money,
" have enſued."

" Reſolved, That the only remedy to thoſe evils is a fair and
" impartial repreſentation of the people in Parliament."

" Reſolved, That a fair and impartial repreſentation can never
" take place until partial privileges are aboliſhed; and the ſtrong
" temptations held out to electors affords a preſumptive proof
" that the repreſentatives of this Country, ſeldom procure a
" ſeat in Parliament, from the unbought ſuffrages of a free peo-
" ple."

" Reſolved, That this Society do expreſs their abhorrence of
" tumult and violence; and that, as they aim at Reform, not
" anarchy, reaſon, firmneſs, and unanimity be the only arms they
" employ, or perſuade their fellow citizens to exert againſt abuſe
" of power."

" Ordered, That the Secretary of this Society do communi-

" cate the foregoing to the Societies for Conſtitutional Informa-
" tion, eſtabliſhed in London, Mancheſter, and Sheffield."

" By order of the Committee,
" THOMAS HARDY,
" Secretary."

" Reſolved, That the Secretary of this Society do expreſs to
" the Correſponding Society, the extreme ſatisfaction which we
" have received by the above communication; and to aſſure them
" of our deſire to continue to correſpond and co-operate with
" them, for the purpoſe of obtaining a fair repreſentation of the
" people in Parliament."

Mr. Bower. Mr. Woodfall, look at the words—" Thomas
" Hardy, Secretary," and ſtate whoſe hand-writing they are?

A. I believe they are Mr. Tooke's.

Mr. Attorney General. I will now call Maclean to prove that he found, in the poſſeſſion of Mr. Adams, the rough draft of thoſe reſolutions, thus ſtated to be ſent by the London Correſponding Society; and the hand-writing to the rough draft " Thomas Hardy, Secretary," has now been proved, by Mr. Woodfall, to be Mr. Tooke's.

Mr. Tooke. It certainly is my hand-writing—but won't you prove who ſigned—" John Cartwright," at the bottom of the other?

Mr. Maclean produced the rough draft, which he ſaid he found in the poſſeſſion of Mr. Adams.

(*The rough draft, ſigned John Cartwright, chairman, was read.*)

Mr. Bower. We will now put in a paper that has been proved, by Mr. Woodfall, to be Mr. Tooke's hand-writing; it is the rough minute of the laſt reſolution that was read, namely: " Reſolved, That the Secretary of this Society, do expreſs to
" the Correſponding Society, the extreme ſatisfaction which we
" have received by the above communication; and to aſſure
" them

" them of our deſire to continue to correſpond, and co-operate
" with them, for the purpoſe of obtaining a fair repreſentation
" of the people in parliament."

Lord Chief Juſtice Eyre. Where was that found?

Mr. Bower. Among Mr. Adams's papers.

(*The rough minute read.*)

Mr. Maclean. I found this paper alſo, in the poſſeſſion of Mr. Adams.

Mr. Bower (*to Mr. William Woodfall.*) Whoſe hand-writing do you believe this to be?

A. This I believe to be Mr. Tooke's hand-writing.

(*It was read.*)

" SIR,

" I am directed by the Society for Conſtitutional Information
" at London, to acknowledge the receipt of your letter, and to
" expreſs to you the very great pleaſure and ſatisfaction which
" they receive from your communication, the Society have
" unanimouſly elected Meſſ. &c. as aſſociated members of this
" Society; and we flatter ourſelves that whenever any buſineſs,
" or any other occaſions ſhall lead any of theſe gentlemen to
" London, they will be kind enough to honour the Society
" with their preſence, and give us an opportunity of cementing
" that friendſhip between us, which all the zealous friends of
" public freedom, and the happineſs of mankind, ought to feel
" for, and exerciſe towards each other.

" Yours, &c.

D. A.

" *P. S.* I am deſired by Mr. Horne Tooke, to requeſt each
" of the aſſociated members to honour him by their acceptance
" of the books which accompany this Letter."

Mr. Bower. We propoſe now to read a declaration from the Society in Southwark.

(The following entries were read from the book of the Society for Conſtitutional Information.)

" At a meeting held at the Secretary's houſe, Tooke's-court, " Chancery-lane, Friday, 20th of April, 1792.

" PRESENT,

" Major Cartwright, in the chair.

" Mr. Jeremiah Batley, Mr. I. L. Batley, Mr. Froſt, Dr. " Edwards, Mr. Lockhart, Mr. Aſpinal, Mr. Walſh, Mr. " Cooper, Mr. Hull, Mr. Tuffin, Mr. Favell, Mr. Sharpe, " Mr. William Smith, Mr. Buſh, Mr. Paine.

" A declaration from a Society in Southwark was read.

" A motion was made, that the ſame lie on the table till " Friday next, which paſſed in the negative."

" A motion was then made, that the ſaid paper be now read " a ſecond time in order for publication, which paſſed in the " affirmative; and that the former reſolution be publiſhed."

" Reſolved, That the thanks of this Society be given to the " under-mentioned Society, for the following communication, " and that it be publiſhed in the papers."

" At a meeting at the Three Tuns Tavern, Southwark, " April 19th, 1792.

" Mr. Samuel Favell, in the chair.

" Reſolved, That we do now form ourſelves into a Society " for the diffuſion of political knowledge."

" Reſolved, That the Society be denominated THE FRIENDS " OF THE PEOPLE."

" Reſolved, That the following be the declaration of this " Society."

" CONSIDERING that ignorance, forgetfulneſs, or contempt of " the RIGHTS OF MEN are the ſole cauſes of public grievances, " and of the corruption of Government; this Society, formed " for the purpoſe of inveſtigating and aſſerting thoſe Rights, and " of uniting their efforts, with thoſe of their fellow Citizens, for

" correcting national abuſes, and reſtraining exorbitant and un-
" neceſſary Taxation, do hereby declare—

" 1ſt. That the great end of civil ſociety is GENERAL HAP-
" PINESS."

" 2nd. That NO FORM OF GOVERNMENT is good, any
" further than it ſecures that object."

" 3rd. That all Civil and Political Authority is derived from
" the people."

" 4th. That equal active Citizenſhip is the unalienable right
" of all Men; Minors, Criminals, and Inſane Perſons ex-
" cepted."

" 5th. That the exerciſe of that right in appointing an ade-
" quate REPRESENTATIVE GOVERNMENT is the wiſeſt de-
" vice of human policy, and the only ſecurity of NATIONAL
" FREEDOM."

" We alſo declare, that we are wearied with the unmeaning
" names of WHIG and TORY, and of MINISTERIAL and
" OPPOSITIONAL parties, and having often—too often, been
" deceived by both, we can no longer implicitly confide in
" either. We will THINK for ourſelves; we will ſtudy our own
" Rights; and we leave to the INS and the OUTS all that
" idle quibble of debate which only ſerves to amuſe and deceive
" the nation, and to hold it alternately the prey of COURT and
" PARTY INTRIGUES.

" We have beheld corruption generated upon corruption under
" the auſpices of every Adminiſtration; from whence we have
" reaſon to infer, that ſome RADICAL DEFECT exiſts in the
" ſyſtem of Government, that admits of no cure but from the
" United efforts of the Nation.

" We have ſeen Taxes multiplied upon Taxes, for purpoſes
" unknown to us, at the mere will and pleaſure of the party in
" power; and we have ſeen PARLIAMENTS refuſe to know the
" cauſe for which ſuch Taxes were voted. Thus held in the
" dark by every part of Government, our money taken from
" us without aſſigning a cauſe, and ourſelves continually de-
" ceived, we have learned from experience the neceſſity of

" looking into our own Rights, and of attending to our own " Intereſt."

" We are told that we have a Conſtitution—If it permits " theſe abuſes, it is either *not* a good one, or good *only in part*, " and defective in its principles, conſtruction, and effects. The " continual applauſe beſtowed upon it by Placemen, Penſioners, " Government Contractors, Court Expectants, and the hired " Editors of Proſtituted Newſpapers, has juſtly excited our " ſuſpicion either of its excellence or its exiſtence. It may be " good for THEM and not for us; and as we are no longer to " be amuſed with a *Name* or a *Phantom*, we will direct our " enquiries to the fact.

" We contemplate with pleaſure the progreſs which this " Nation and Mankind in general are now making in the hi- " therto myſterious ſcience of Government. We obſerve a " ſpirit of calm and rational enquiry riſing and diffuſing itſelf " among all orders of people; and of a nature totally different " from the tumultuous malevolence of Party, and the artificial " policy of Stateſmen.

" We are deſirous, therefore, of uniting with the ſeveral " Societies already formed in various parts of the nation, for " promoting an enquiry into, and aſſerting the Rights of the " People. We call upon our fellow Citizens of all deſcrip- " tions to inſtitute ſimilar Societies, for the ſame great purpoſe; " and we recommend a general correſpondence with each other, " and with the Society for CONSTITUTIONAL INFORMATION " at LONDON, as the beſt means of cementing the common " union, and of directing our united efforts with greater energy " and effect."

" *Reſolved*,

" *That the following be the Rules of the Society:*

" I. The number of Members ſhall be unlimited, and each " ſubſcribe not leſs than 1*s*. 6*d*. per quarter, for the purpoſe of " carrying on the deſigns of the inſtitution."

" II. The Society ſhall meet in ſmall parties, or diviſions, " monthly,

" monthly, on any day of the firſt week of the month, except " Tueſday; and when any diviſion amounts to thirty members, " it ſhall be ſubdivided and form two."

" III. Each diviſion to elect a Chairman and Secretary " quarterly, and at the firſt meeting of the quarter. The " Chairman to be their Repreſentative in a General Com- " mittee; and in caſe the diviſion ſhall conſiſt of twenty per- " ſons, another Repreſentative ſhall be choſen to accompany " the Chairman. The Secretary ſhall record the tranſactions, " and deliver quarterly to the General Committee a correct " liſt of the Members of ſuch diviſion, collect the ſubſcrip- " tions, and pay them forthwith to the Treaſurer of the " Society."

" IV. The Repreſentatives ſhall form a General Commit- " tee—meet every Tueſday—and at their firſt meeting in each " quarter elect a Chairman and principal Secretary. They " ſhall correſpond with ſimilar inſtitutions—determine on all " publications to be circulated by the Society—report to their " reſpective diviſions the proceedings and correſpondence of " the Committee—and in all caſes be governed by the prevail- " ing ſentiments of their conſtituents."

" V. The Chairman of the General Committee ſhall be " Treaſurer for the time being—receive the ſubſcriptions— " pay all diſburſements under the direction of the Committee " —and have his accounts audited by the next ſucceeding " Committee."

" VI. Every diviſion ſhall determine within itſelf on the " mode of admitting Members, and all other matters not pro- " vided for in the foregoing articles."

" A. C. RUSSELL, Sec."

" At a meeting held Friday, 27th April, 1792, at the Secre- " tary's, Tooke's-court, Chancery-lane.

" PRESENT,

" Major Cartwright in the Chair,

" Mr. Batley, Mr. I. L. Batley, M. Merry, Mr. Williams,

" Mr.

" Mr. Lockhart, Mr. I. H. Tooke, Mr. Froſt, Captain Har-
" wood. Mr. I. Adams, Mr. A. Buſh, Mr. M. Buſh, Mr. M.
" Pearſon, Mr. Sharpe, Mr. Favell, Mr. Walſh, Mr. Fitz-
" gerald, Mr. Hollis, Dr. Edwards, Mr. Hull, Mr. Cooper,
" Mr. Tuffin.

" Read the following letter, addreſſed to the Society called the
" Friends of the People, aſſociated for Conſtitutional Reform,
" aſſembled at Free Maſons Tavern.

" SIR,

" By the Society for Conſtitutional Information, I am com-
" manded to expreſs to you the ſatisfaction that its members
" feel on the inſtitution of your Society.

" That the Houſe of Commons itſelf, which is the very ſub-
" ject to be reformed, ſhould have furniſhed a part of this
" ſtrength, may ultimately afford important advantages to the
" public. But it muſt not, Sir, be diſguiſed, that at firſt this
" circumſtance will neceſſarily be accompanied with doubts, with
" ſuſpicions, with apprehenſions. It is not, Sir, the firſt time
" that numbers of that houſe have profeſſed themſelves Refor-
" mers: It is not the firſt time that they have entered into popu-
" lar aſſociations. But ſhould they, on this occaſion, prove
" faithfully inſtrumental in effecting a ſubſtantial reform in the
" repreſentation of the people, and the duration of Parliaments,
" it will be the firſt time that the nation hath not found itſelf in
" an error, when it placed confidence in aſſociated Members of
" Parliament, for the recoveries of the conſtitutional and in-
" eſtimable rights of the people. The long-loſt rights of re-
" preſentation, are rights, Sir, which in truth are not to be
" recovered but by the exertions and the unanimity of the people
" themſelves. Impreſſed with this great truth, it has been an
" invariable object of this ſociety 'to revive in the minds of
" the commonalty at large a knowledge of their loſt rights, re-
" ſpecting the election and duration of the repreſentative body'—
" and we doubt not that your ſociety will ſee the wiſdom of pur-
" ſuing a like courſe. May it taſte the delight of diffuſing this
" knowledge; may it reap the honour of calling forth the ener-
" gies of the nation!

" When

" When this Society, Sir, contemplates that flood of light and " truth which, under a benign Providence, is now ſweeping " from the earth deſpotiſm in all its forms, and infringement of " rights in all its degrees, to make way for freedom, juſtice, " peace, and human happineſs; and when it ſees your Society " announce itſelf to the world as the Friends of the People; it " reſts aſſured that this new inſtitution abundantly partakes of " that light, that it embraces that truth, and it will act up to " the ſacredneſs of that friendſhip which it profeſſes, by nobly " caſting from it, with diſdain, all ariſtocratic reſerves, and " fairly and honeſtly contending for the people's rights in their " full extent.

" Here, Sir, be aſſured, lies all your ſtrength. You may " boaſt of names, of wealth, of talents, and even of principles; " but without the fellowſhip of the people, underſtanding and " feeling their immediate intereſt in the conteſt, your aſſocia- " tion, whenever it grapples with that powerful deſpotiſm to " which it is oppoſed, and to which a conſtitutional cloak gives " double ſtrength, will moſt aſſuredly crumble to duſt.

" Here, Sir, it is with peculiar ſatisfaction that the Society " for Conſtitutional Information can expreſs its belief, that to " its own unequivocal, 'Declaration of Rights, without which " no Engliſhman can be a Free Man, nor the Engliſh nation " Free People,' it owes that confidence, on the part of all true " friends to a ſubſtantial Reform of Parliament, which in all " periods of the Society's exiſtence it has invariably experi- " enced.

" This ſhort declaration, containing no more than four diſtinct " propoſitions, ſatisfied the people that the Society aſſumed not " the office of Reformer, without knowing with preciſion what " wanted Reform; nor the character of friend, without mani- " feſting that ſincerity which gave proof of its attachment. It " left to ſuch Reformers as Mr. Burke to talk of the People's " Liberties, and at the ſame time to deny or explain away their " Rights.

" This Society, Sir, truſts that the purity of principle which " actuated individual Members of Parliament, who joined the

" aſſo-

" aſſociations that have been ſpoken of, will in no degree be " affected by the obſervations that have been made upon the in- " ſufficiency of thoſe aſſociations. But, convinced that a ſtrong " impreſſion ſtill remains upon the minds of the people, that in " general perſons who have long been accuſtomed to hold ſeats " in the Houſe of Commons, under the preſent abuſes in the " repreſentation, and whoſe connections are all ariſtocratic, " muſt be almoſt more than men, at once and completely to " ſacrifice both prejudice and unwarranted power at the Altar " of Freedom;—this Society, convinced, I ſay, Sir, of the " exiſtence of this impreſſion, would not ſuffer its delicacy to " ſtand in the way of its duty on this important occaſion; but " determined, with the frankneſs belonging to ſincere affection, " to warn its new brethren againſt a danger to which they " might otherwiſe become expoſed through mere inadver- " tency.

" That the diſtinguiſhed perſons who have adorned the Senate, " and now adorn your Society, may be found equal to the ſub- " lime efforts of virtue which their ſituation now demands, and " may on that account receive the bleſſings of their country, " and of mankind, to the lateſt poſterity, is the ſincere, the ar- " dent wiſh of the Society for Conſtitutional Information! In " whoſe name I have the honour to ſubſcribe myſelf with great " regard."

" Reſolved, That the ſaid letter be ſigned by the Chairman of " this Meeting, and ſent to the ſaid Society, at their next general " Meeting."

Mr. Thomas Maclean. I found this among Mr. Adams's papers.

(*It was read.*)

" SIR,

" Fully ſenſible that the Society for Conſtitutional Information " have made no ſacrifice to delicacy in their addreſs to us, we on " our part ſhall affect no diſguiſe.

" Volun-

" Voluntary aſſociations not being armed with public authority, have no force but that of truth, no hope of ſucceſs but " in the ſtrength of reaſon, and the concurrence of the public.

" We profeſs not to entertain a wiſh ' that the great plan " of public benefit which Mr. Paine has ſo powerfully recommended will ſpeedily be carried into effect,' nor to amuſe our " fellow-citizens with the magnificent promiſe of obtaining for " them ' the rights of the people in their *full* extent :'—the indefinite language of deluſion, which by opening unbounded proſpects of political adventure, tends to deſtroy that public opinion which is the ſupport of all free governments, and to excite a ſpirit of innovation of which no wiſdom can foreſee the " effects, and no ſkill direct the courſe. We view man as he " is, the creature of habit, as well as of reaſon. We think it " therefore our bounden duty to propoſe no extreme changes, " which, however ſpecious in theory, can never be accompliſhed " without violence to the ſettled opinions of mankind, nor attempted without endangering ſome of the moſt eſtimable advantages which we confeſſedly enjoy. We are convinced " that the people bear a fixed attachment to the happy form of " our government, and the genuine principles of our Conſtitution; theſe we cheriſh as objects of juſt affection, not from " any implicit reverence, or habitual ſuperſtition, but as inſtitutions beſt calculated to produce the happineſs of man in civil " ſociety: and it is becauſe we are convinced that abuſes are " undermining and corrupting them, that we have aſſociated for " the preſervation of thoſe principles.

" We wiſh to reform the Conſtitution, becauſe we wiſh to " preſerve it.

" Aſſociations formed in the face of power, in oppoſition to " the intereſts of our preſent legiſlators, evince that *individual* " ſecurity and *perſonal* independence are already eſtabliſhed by " our laws.

" The immenſe accumulation of debt, the enormous taxation " of ſeventeen millions of annual revenue, demonſtrate that the " *collective* intereſts of the community have been neglected or " betrayed.

" We

" We believe the defective conſtitution of the aſſembly en-
" truſted with the public purſe, to be the real ſource of this
" evil. With this view we have pledged ourſelves to attempt
" a timely and ſalutary reform, adhering, in every meaſure we
" may take, to the fundamental principles of the Conſtitution.
" According to thoſe acknowledged principles, the people have
" a perfect right to poſſeſs an organ, by which the public mind
" may ſpeak in legiſlation; and to bind their repreſentatives to
" the intereſts of the whole community, by a frequent renova-
" tion of the truſt. Theſe objects accompliſhed, we believe
" abuſes will find no protection in a genuine repreſentation of
" the people; that regulations beſt adapted to the public hap-
" pineſs will be gradually infuſed into our laws, through the
" known channels of legiſlation; and that the agitated minds of
" men, reſuming their confidence in parliament, will ſubſide
" into a calm expectation of redreſs, without forgetting the prin-
" ciples or violating the form of the Conſtitution.

" Theſe, as we think, are the views of men deteſting anarchy,
" yet ſincere friends of the people. Your letter appears to us
" to be written with a view to create diſtruſt of our deſigns, to
" inſinuate doubts of ſincerity, and to excite an early ſuſpicion of
" our principles in the minds of the people. We have not, how-
" ever, refuſed, in anſwer, to diſclaim what we condemn, and
" to avow our real objects, from the purſuit of which we will
" not ſuffer ourſelves to be diverted by any controverſy. We
" muſt beg leave, at the ſame time, to decline all future inter-
" courſe with a Society whoſe views and objects, as far as we
" can collect them from the various reſolutions and proceedings
" which have been publiſhed, we cannot help regarding as irre-
" concileable with thoſe real intereſts on which you profeſs to
" inform and enlighten the people.

" JOHN RUSSEL, Chairman."

" *Freemaſon's Tavern,*
" *Saturday, May* 12*th*, 1792."

Addreſſed " *John Cartwright, Eſq. Chairman to the Society*
" *for Conſtitutional Information.*"

" *Free-*

" *Freemaſons Tavern, May 12th, 1792.*"

" At a General Meeting of the Society of the Friends of the " People, aſſociated for the purpoſe of obtaining Parliamentary " Reform,

" The Right Honourable Lord John Ruſſel in the chair.

" Reſolved, that the proceedings of this day, including the " letter from the Society for Conſtitutional Information, and " the anſwer of this Society to that letter, be printed and pub- " liſhed."

" Reſolved, That, together with the anſwer of this Society " to the letter of the Society for Conſtitutional Information, " there be tranſmitted to John Cartwright, Eſquire, Chair- " man of that Society, a copy of the Reſolution of the Society " of the Friends of the People, to print and publiſh the letter " and reply."

" JOHN RUSSEL, Chairman."

Mr. Thomas Maclean. I found this among Mr. Adams's papers.

Mr. Bower (*to Mr. William Woodfall.*) You ſee there is an alteration of the date in this paper; whoſe hand-writing do you believe that alteration to be?

A. It is difficult to decide—it is not very clearly written.

Q. Whoſe do you believe it to be?

Lord Chief Juſtice Eyre. A mere alteration of a date!

A. I think it difficult to decide, but rather think it to be Mr. Horne Tooke's.

Mr. Tooke. It certainly is mine.

Lord Chief Juſtice Eyre. What is it?

Mr. Bower. It is " ultimo" altered to " March;" it was taken into conſideration the 4th of May.

(*At*

(It was read.)

" At a meeting of the Delegates of the United Conſtitutional " Societies, held the 24th of March, 1792, at the Wheel of " Fortune, Saint Edmund's, in the city of Norwich, it was " unanimouſly agreed to communicate to the gentlemen of the " London Society for Conſtitutional Information the following " reſolutions.

" 1ſt. We are happy to ſee the ſucceſs of the Sheffield So- " ciety for Conſtitutional Reform, and approve of the *Delega-* " *tions which you and they* have made, in order to form a plan of " *General Information*; we humbly beg that you would grant " to us the ſame favour; and it is our wiſh that all the So- " cieties of a ſimilar kind in England were only as ſo many " members *ſtrongly and indiſſolubly united in one political body.*"

" 2dly. We believe that inſtructing the people in political " knowledge, and in their natural and inherent rights as men, " is the only effectual way to obtain the grand object of Reform; " for men need only be made acquainted with the abuſes of go- " vernment, and they will readily join in every lawful means to " obtain redreſs. We have the pleaſure to inform you that our " Societies conſiſt of *ſome hundreds*; *and new ſocieties are fre-* " *quently forming*, *which by delegates preſerve a mutual inter-* " *courſe with each other for inſtruction and information*; and the " greateſt care has been taken to preſerve order and regularity " at our meetings, to convince the world that riot and diſorder " are no parts of our political creed."

" 3dly. We believe, and are firmly perſuaded, that Mr. Burke " (the once friend of Liberty) has traduced the greateſt and " moſt glorious Revolution ever recorded in the annals of " hiſtory. We thank Mr. Burke for the political diſcuſſion " provoked, and by which he has opened unto us the dawn of a " glorious day."

" 4thly. To Mr. Thomas Paine our thanks are eſpecially " due, for *his firſt and ſecond Part of the Rights of Man*; and " we ſincerely wiſh that he may live *to ſee his labours crowned*

" *with*

" *with ſucceſs in the general diffuſion of liberty and happineſs* " *among mankind.*"

" 5thly. We view, with concern, the late diſcoveries relative " to the Weſtminſter election, in 1788; and conceive our- " ſelves, and all true friends of freedom, under great obligations " to Meſſrs. Thomſon, Wyndham, Francis, Taylor, and all " the noble and ſpirited MINORITY, for their exertions in " order to diſcover the true ſource of that abominable and ini- " quitous procedure."

" 6thly. We congratulate our brethren in the various parts " of the kingdom, on the progreſs of political knowledge, " and earneſtly intreat them to increaſe *their aſſociations, in* " *order to form one grand and extenſive union of all the friends* " *of general liberty*—and we hope the time is not far diſtant, " when the people of England will be equally and faithfully " repreſented in parliament."

" Signed by order,

" JOHN BROUGHTON, Chairman."

Addreſſed " *The London Conſtitutional Society.*"

Mr. Maclean. I found this letter amongſt Mr. Adams's papers.

Mr. Bower. (to Mr. William Woodfall.) Whether the deſcriptions in the liſt of perſons at the end of that letter are in the hand-writing of the priſoner, or not?

A. They are.

(*The following entry was read from the book of the Society for Conſtitutional Information.*)

" At a meeting held Friday, 4th May, 1792, at the Secretary's " houſe, Tooke's-court, Chancery-lane.

" PRESENT,

" Mr. Sharpe in the Chair.

" Mr. I. H. Tooke, Mr. Williams, Mr. Merry, Mr. M. Pear- " ſon, Mr. Fitzgerald, Captain Harwood, Mr. Lockhart, " Major Cartwright, Mr. Hollis, Mr. Paine, Mr. William " Sharpe,

" Sharpe, Mr. Adams, Mr. M. Buſh, Rev. Mr. Joyce, Mr.
" Froſt, Mr. Aſpinal, Mr. A. Buſh, Mr. Wheeler, Mr.
" Walker, Mr. Walſh, Dr. Kentiſh, Mr. Tuffin.

" The following Gentlemen, recommended by the Norwich
" Society, were elected aſſociated members of this Society—
" Mr. Thomas Goff, Mr. William Taylor, Mr. William Firth,
" Mr. Thomas Barnard, Mr. George Watſon, Mr. Mark
" Wilks, Mr. Charles Baſham, Mr. John Dalrymple, Mr.
" Edward Barrow, Mr. Henry Dobſon, Mr. Henry Catton.

" Mr. Martin, of Richmond-buildings, Dean-ſtreet, Soho,
" was propoſed as an honorary member by Mr. Tooke, and
" ſeconded by Mr. Froſt.

" Read the following letters from the Revolution and Con-
" ſtitutional Societies at Norwich.

" This Society having received the following communication
" from the Revolution Society at Norwich, viz.

" *To the London Society for Conſtitutional Information.*

" The Revolution Society wiſhes to open a communication
" with you at this time, when corruption has acquired a publi-
" city in the ſenate, which exacts from the honour of the
" Britiſh nation renewed exertions for Parliamentary Reform.
" —Without prejudging the probable events of ſuch an ap-
" plication to the legiſlature, this Society is willing to circulate
" the information, and to co-operate in the meaſures that may
" ſeem beſt adapted to further ſo deſirable and ſo important an
" end. It is willing to hope the redreſs of every exiſting griev-
" ance at the hands of a Government reſulting from an extraor-
" dinary convocation, in 1688, of all who had at any preceding
" time been elected repreſentatives of the people, aſſiſted by the
" hereditary counſellors of the nation, and a peculiar deputa-
" tion from the metropolis, which National CONSTITUTING
" Aſſembly caſhiered for miſconduct a King of the Houſe of
" Stuart.

" The opinions and principles of this Society are beſt ex-
" plained by an appeal to their literary repreſentatives. To
" James Mackintoſh, author of Vindiciæ Gallicæ, this Society

" offers the tribute of its *Approbation and Gratitude*, for the " knowledge, the eloquence, and philoſophical ſpirit with which " he has *explained, defended, and commented on the Revolution* " *of France*. It heſitates to aſſent to this only of his opinions, " that 'there are but two intereſts in ſociety, thoſe of the rich " and thoſe of the poor.' If ſo, what chance have the latter? " Surely the intereſts of all the induſtrious, from the richeſt mer- " chant, to the pooreſt mechanic, are in every community the " ſame—to leſſen the numbers of the unproductive, to whoſe " maintenance they contribute, and to do away ſuch inſtitutions " and impoſts as abridge the means of maintenance, by reſiſting " the demand for labour, or by ſharing its reward; as the " means moſt conducive to this comprehenſive end, the Norwich " Revolution Society deſires an equitable repreſentation of the " people.

" The *Rights of Man*, by *Thomas Paine*, and The Advice " to the Privileged Orders, by Joel Barlow, have alſo been " read with attention, and circulated with avidity. They " point out with clearneſs moſt of the abuſes which have ac- " cumulated under the *Britiſh Government*; they attack with " energy *moſt of the prejudices which have tended* to perpetuate " them.

" Internally, our Society is thus organized:—Any perſon " propoſed and ſeconded by a member is received, on paying an " admiſſion fine, and obliging himſelf to an *annual contribution* " toward the purchaſe of books for the uſe of the Society, and " for circulation among *the confederated clubs*. The members " aſſemble *twice, monthly*. *A Committee of Correſpondence* is " periodically elected by ballot, to ſelect books, and to conduct " the other literary buſineſs. *A Committee of twelve is periodi-* " *cally named by acclamation* to attend ſeverally the meetings of " *the various confederated clubs*, which are invited in like man- " ner to depute *a member to the monthly meetings of this*: thoſe " clubs are now ſeven in number; and more are expected to an- " nounce their adherence. The Norwich Revolution Society, " propoſing to extend this form of combination, recommends for

" admiſſion into the London Society for Conſtitutional Informa-
" tion the following twelve perſons:

" Thomas Goff, Chairman,
" William Taylor, one of the firſt Manufacturers,
" William Firth, a conſiderable Manufacturer,
" Thomas Barnard, ditto,
" George Watſon,
" Mark Wilks, Preacher,
" Charles Baſham,
" John Dalrymple,
" Edward Barrow, a conſiderable Warehouſeman,
" Henry Dobſon,
" Henry Catton.

" THOMAS GOFF, Chairman."

" *Norwich, April 26th*, 1792."

Addreſſed, " *John Cartwright, Eſq. No. 4, Tooke's-court, Chancery-lane, London.*"

" Reſolved, That this Society receives the above communi-
" cation with the moſt heart-felt ſatisfaction, and deſires ear-
" neſtly to concur and co-operate with thoſe Societies in their
" laudable objects; that the Secretary do inform them of the
" ſame, and that this Society has unanimouſly elected the twelve
" members of the Norwich Society to be aſſociated members
" of this Society."

Mr. Bower. We now propoſe to read a letter from Martin. Mr. Woodfall, look at that letter and ſee whether any part of it is Mr. Tooke's.

A. There is a line in this firſt page which is Mr. Tooke's hand-writing.

Lord Chief Juſtice Eyre. Where does that paper come from?

Mr. Bower. It was found among Mr. Martin's papers; it is the draft of a letter.

Lord

Lord Chief Juſtice Eyre. What is in Mr. Tooke's hand-writing?

Mr. Bower. The words, "Gentlemen ſo highly approved "of by the public," inſtead of the words learned men."

(*It was read.*)

"SIR,

"I have before me your favour of the 14th inſtant, inform-"ing me that at a Meeting of the Society for Conſtitutional "Information, held laſt Friday, I was unanimouſly elected an "honorary member. I beg you will be ſo good as to aſſure "the Society I eſteem this honour as it ought to be eſteemed "by me. I have the honour to know but few of the members; "I cannot preſume this imputable to private individuals, and "am far from preſuming my conduct to be ſuch as to attract "the notice of Gentlemen ſo highly approved of by the "public."

Mr. Attorney General. We propoſe now to read the proceedings of the 11th of May, 1792. It may be material to mention, that it will appear by the books that the dinner club began on the 1ſt of June, 1792; the meetings before that time were at the Secretary's houſe, and there were no preceding dinners.

(*The following entries were read from the books of the Society for Conſtitutional Information.*)

"At a Meeting held Friday, 11th May, 1792, at the Secre-"tary's houſe, Tooke's Court, Chancery Lane.

"PRESENT,

"Major Cartwright in the chair

"Dr. Melville, Mr. Jeremiah Batley, Mr. I. L. Batley, Rev. "Mr. Joyce, Mr. Lockhart, Mr. Buſh, Mr. Fitzgerald, "Mr. Sharpe, Mr. Tooke, Mr. Williams, Mr. W. Sharpe,

" Mr. Tuffin, Mr. Froſt, Mr. M. Pearſon, Mr. Favell,
" Mr. Weſt, Lord Daer, Mr. M. Buſh, Mr. Aſpinal, Cap-
" tain Tooke Harwood, Mr. Merry, Mr. Hollis, Dr. Ed-
" wards, Mr. I. Adams, Mr. Charles Sharpe, Mr. Walſh.

" Reſolved, That there be a communication from this Soci-
" ety with the Society of the Friends of the Conſtitution at
" Paris, known by the name of The Jacobins."

" Read the following Addreſs from this Society to the Society
" of Friends of the Conſtitution at Paris, called The Jacobins.

" BROTHERS, AND FELLOW CITIZENS OF THE WORLD,

" The cordial and affectionate reception with which you have
" honoured our worthy countrymen, Mr. Thomas Cooper and
" Mr. James Watt, members of the Society of Mancheſter,
" and united with our Society, has been communicated to us by
" the correſpondence of thoſe gentlemen.

" In offering you our congratulations on the glorious Revo-
" lution which your nation has accompliſhed, we ſpeak a lan-
" guage which only ſincerity can dictate.

" The formality of Courts affords no example to us. To
" do our thoughts juſtice, we give to the heart the liberty it
" delights in, and we hail you as brothers.

" It is not among the leaſt of the revolutions which time is
" unfolding to an aſtoniſhed world, that two nations, nurſed by
" ſome wretched *craft* in reciprocal hatred, ſhould ſo ſuddenly
" break their common *odious* chain, and ruſh into amity.

" The principle that can produce ſuch an effect, is the off-
" ſpring of no earthly court; and whilſt it exhibits to us the
" expenſive iniquity of former politics, it enables us, with bold
" felicity, to ſay, We have done with them!

" In contemplating the political condition of nations, we
" cannot conceive a more diabolical ſyſtem of Government,
" than that which has hitherto been generally practiſed over the
" world: to feed the avarice and gratify the wickedneſs of am-
" bition, the fraternity of the human race has been deſtroyed;
" as if the ſeveral nations of the earth had been created by

" rival

" rival Gods. Man has not conſidered man as the work of " One Creator.

" The political inſtitutions under which he has lived have " been counter to whatever religion he profeſſed.

" Inſtead of that univerſal benevolence which the morality of " every known religion declares, he has been politically bred to " conſider his ſpecies as his natural enemy, and to deſcribe " virtues and vices by a geographical chart.

" The principles we now declare are not peculiar to the ſo- " ciety that addreſſes you; they are extending themſelves, with " accumulating force, through every part of our country, and " derive ſtrength from an union of cauſes, which no other " principles admit.

" The religious friend of man, of every denomination, re- " cords them as his own; they animate the lover of rational " liberty; and they cheriſh the heart of the poor, now bending " under an oppreſſion of taxes, by a proſpect of relief.

" We have againſt us only that ſame enemy which is the " enemy of juſtice in all countries—a herd of courtiers fatten- " ing on the ſpoil of the public.

" It would have given an additional triumph to our congra- " tulations, if the equal rights of man (which are the founda- " tion of your declaration of Rights) had been recognized by " the Governments around you, and tranquilly eſtabliſhed in " all: but if deſpotiſms be ſtill reſerved, to exhibit, by conſpi- " racy and combination, a further example of infamy to future " ages, that power that diſpoſes of events beſt knows the means " of making that example finally beneficial to his creatures.

" We have beheld your peaceable principles inſulted by " deſpotic ignorance; we have ſeen the right hand of fellow- " ſhip, which you hold out to the world, rejected by thoſe who " riot on its plunder: we now behold you a nation provoked " into defence; and we can ſee no mode of defence equal to " that of eſtabliſhing the general freedom of Europe.

" In this beſt of cauſes we wiſh you ſucceſs. Our hearts go " with you; and in ſaying this, we believe we utter the voice " of millions."

" Refolved, That the above addreſs be ſigned by the chair-
" man and ſecretary, and that Mr. I. H. Tooke be requeſted to
" tranſmit it, with all poſſible diſpatch, to Mr. James Watt, at
" Paris."

" Refolved, That the ſaid Addreſs be read a ſecond time at
" the next meeting, for publication."

" At a meeting held Friday, the 18th of May, 1792, at
" the Crown and Anchor Tavern, Strand:

" PRESENT,

Major Cartwright in the chair,

" Mr. Tooke, Mr. Merry, Lord Daer, Mr. Paine, Mr. Lloyd,
" Dr. Edwards, Mr. Buſh, Mr. I. Adams, Captain T. Har-
" wood, Mr. I. L. Batley, Mr. Williams, Mr. Hull, Mr.
" Watts, Mr. Fitzgerald, Mr. William Sharpe, Mr. Aſpinal,
" Mr. M. Pearſon, Mr. Martin, Mr. Gerald, Mr. Sturch,
" Mr. Sharpe (Charlotte Street), Mr. M. Buſh, Mr. Lock-
" hart, Mr. Batley, Mr. Favell, Mr. Froſt, Mr. Cooper,
" Mr. Campbell, Mr. Tuffin.

" Read a ſecond time the Addreſs to the Friends of the Con-
" ſtitution at Paris, known by the name of the Jacobins.

" Ordered to be publiſhed in the papers.

" Read the following letter, addreſſed to the chairman of this
" Society, from Mr. Thomas Paine.

" SIR, " *London, May 18th*, 1792.

" The honourable patronage which the Society for Conſti-
" tutional Information has repeatedly given to the works, in-
" titled Rights of Man, renders it incumbent on me to
" communicate to them whatever relates to the progreſs of thoſe
" works.

" A great number of letters, from various parts of the
" country, have come to me, expreſſing an earneſt deſire that
" the Firſt and Second Parts of 'Rights of Man' could be
" rendered more generally uſeful, by printing them in a cheaper
" manner than they have hitherto been; as thoſe requeſts were
" from perſons to whom the purchaſe at the preſent price was

" incon-

" inconvenient, I took the proper means for complying with " their requeſt.

" I am ſince informed that the miniſtry intend bringing a " proſecution; and as a nation (as well the poor as the rich) " has a *right* to know what any works are that are made the " ſubject of a proſecution, the getting out a cheap edition is, I " conceive, rendered more neceſſary than before, as a means " towards ſupporting that right;—and I have the pleaſure of " informing the Society that I am proceeding with the work.

" I am, Sir, with great reſpect,

" Your obedient, humble ſervant,

" THOMAS PAINE."

" *To the chairman of the Society for Conſtitutional Information.*"

" The ſociety took into conſideration the contents of the " aforeſaid letter, and came to the following reſolutions:

" Reſolved, That the thanks of this Society be given to Mr. " Thomas Paine, for the communication he has made, and for " the patriotic diſintereſtedneſs manifeſted therein."

" Reſolved, That this Society will contribute its utmoſt aid " towards ſupporting the rights of the nation, and the freedom " of the preſs, and him who has ſo eſſentially and ſucceſsfully " contributed to both."

" Reſolved, That the right of inveſtigating principles and " ſyſtems of government is one of theſe rights; and that the " works of any author, which cannot be refuted by reaſon, " cannot, on the principles of good government or of common " ſenſe, be made the ſubject of a proſecution."

" Reſolved, That the exceſſive taxes which this country " pays, being now ſeventeen millions annually, give an addi- " tional motive for the exerciſe of this right, and render it at " the ſame time a more immediate duty the nation owes to it- " ſelf, to enter upon and promote all ſuch inveſtigations."

" Reſolved, That a committee be appointed to enquire into " the rumour of the above-mentioned proſecution; and to report " thereon to the Society at its next meeting."

" Reſolved,

" Reſolved, That a copy of Mr. Paine's letter, together with " theſe reſolutions, be tranſmitted to all the aſſociated Societies " in town and country; and that this Society do congratulate " them on the firm and orderly ſpirit, and tranquil perſeverance, " manifeſted in all their proceedings, and exhort them to a " ſteady continuance therein."

" Reſolved, That 3,000 copies of the above Letter and Re- " ſolutions be printed, for the uſe of this Society."

Mr. Maclean. I found this paper at Mr. Adams's.

Mr. Bower. Theſe are the minutes of thoſe reſolutions which we have proved to have corrections in the hand-writing of Mr. Tooke.

(The rough draft was read.)

Mr. Attorney General. Mr. Adams proved laſt night that he paid for printing Paine's letter, the reſolutions, and the addreſs to the Jacobins, in ſeveral newſpapers; we will now read an extract from this book, which was proved by Mr. Adams. There is an obſervation reſpecting the Herald and the World; that the one declined to inſert any of the Societies publications, the other declined to inſert this publication, and the Gazetteer returned the money.

(The following extract was read from a book containing the general receipts and diſburſements of the Society for Conſtitutional Information.)

" Mr. Paine's letter, reſolutions, and addreſs to the Jacobins;

			£.	s.	d.
" 22d May,	1792,	Argus,	1	4	0
" 23d ——	——	Argus,	0	10	6
" 25th ——	——	Morning Chronicle,	1	4	0
		" Herald, *returned, declining to inſert*			
		" *any of the Society's publications.*			

" World,

	£.	s.	d.
" World, *declined.*			
" Oracle, - - - -	1	5	0
" Gazetteer, *returned.*			
" Morning Poſt, *not inſerted.*			
" Engliſh Chronicle, - -	1	6	0
" General Evening, - -	1	7	0"

(The following entry was read from the book of the Society for Conſtitutional Information.)

" At a meeting held, Friday, 25th of May, 1792, at the " Crown and Anchor Tavern, Strand.

" PRESENT,

" Mr. Buſh, in the Chair,

" Mr. Tooke, Dr. Maxwell, Mr. Merry, Mr. Paine, Mr. " Froſt, Mr. Bonney, Mr. C. Sharpe, Mr. I. Adams, Mr. " John Martin, Mr. A. Buſn, Lord Daer, Major Cart- " wright, Mr. Gerald, Mr. I. Williams, Mr. Lockhart, " Mr. Favell, Mr. Joyce, Mr. Williams, Rev. Dr. Towers, " Dr. Edwards, Mr. Aſpinal, Mr. Fitzgerald, Mr. Sharpe, " Mr. W. Sharpe, Mr. Tuffin, Mr. Balmanno, Mr. Kem- " ble, Mr. Cooper, Mr. M. Pearſon.

" Ordered, That 6,000 more copies of the bills, directed at " the laſt meeting, be printed: That 100 be ſent to each of the " twelve aſſociated members of the Sheffield Conſtitutional So- " cieties; 100 to each of the twelve aſſociated members of the " Norwich Conſtitutional Society; 200 to each of the other So- " cieties correſponding with this Society; 200 to Mr. Joyce " for Mr. Fox of Derby; and 200 to the Society at Belpar."

Lord Chief Juſtice Eyre. What is that book?

Mr. Gibbs. It is Mr. Adams's private book, in which, probably, he kept the accounts.

Mr. Tooke. We confeſs the payment of our debts.

Mr.

Mr. Gibbs. I ſubmit that it is not evidence.

Mr. Juſtice Lawrence. It is evidence that the ſums entered there were paid by him.

Mr. Gibbs. If he has proved the fact, that the ſums which are in that book were paid by him, then that fact is proved out of his mouth; when I made the objection, it was offered as a book of the Society.

Lord Chief Baron Macdonald. He ſaid, laſt night, that all the entries in that book were of diſburſements he made.

Lord Chief Juſtice Eyre. What is this an account of?

Mr. Attorney General. It is for printing Paine's letter, and the addreſs to the Jacobins.

(The following extract was read from a book containing the general receipts and diſburſements of the Society for Conſtitutional Information.)

	£.	s.	d.
" May 15th. Goldney, as per receipt, for print-			
" ing Paine's letter and addreſs to the Jacobins	12	12	0
" May 25th. Parcel to Sheffield, with Paine's			
" letter to Dundas - - - - -	0	9	11
" Ditto to Norwich - - - - - -	0	8	8
" Parcel to Leiceſter, with Paine's letter to			
" Dundas - - - - - - -	0	1	6".

Mr. Juſtice Lawrence. Upon looking back to my notes, I do not know whether I have not miſtaken, as to what Adams ſaid; he ſaid the book contained true entries, as he believed; I thought that applied to the book of accounts; but, upon looking over my notes, I believe he applied it to the entries in the book of the Society.

Mr. Erſkine. Your Lordſhip is quite correct; it applied to the book of the Society.

Mr. Juſtice Lawrence. I believe, from my memory, that it applied to both.

(The

(The following entries were read from the book of the Society for Conſtitutional Information.)

" *May 25th.*

" Read a communication from the London Correſponding So-
" ciety, as follows:

" SIR,

" By direction of the Delegates of the London Correſponding
" Society, I have the honour of encloſing to you a copy of their
" addreſs and regulations, which I requeſt you will communi-
" cate to the Conſtitutional Society.

" I am truly, Sir,

" Your obedient and

" Very humble ſervant,

" THOMAS HARDY, Secretary.

" *Bell, Exeter-ſtreet, May 24th, 1792.*"

" *To the Chairman of the Conſtitutional Society.*"

" Reſolved, That the thanks of this Society be returned to
" the London Correſponding Society, for the communication
" which it has made to this Society; and that the further conſi-
" deration of the ſaid communication be poſtponed to the next
" meeting of this Society."

" At a meeting held at the Crown and Anchor Tavern,
" Strand, Friday, 1ſt of June, 1792,

" PRESENT,

" Robert Merry, Eſq; in the Chair.

" Mr. I. H. Tooke, Mr. Froſt, Rev. Mr. Joyce, Mr. W.
" Sharpe, Mr. Weſt, Mr. John Martin, Mr. M. Pearſon,
" Lord Daer, Mr. Bonney, Mr. Rutt, Mr. Sturch, Mr. G.
" Williams, Mr. M. Buſh, Capt. Tooke Harwood, Mr. I.
" Williams, Mr. A. Buſh, Mr. B. Cooper, Mr. Lockhart, Mr.
" Aſpinal, Mr. Watts, Mr. Favell, Mr. Kemble, Dr. Ed-
" wards, Mr. I. Adams, Mr. Balmanno, Mr. Gerrard, Mr.
" Walſh.

" The Secretary reported that he had ſent 1,200 of the
" printed bills, ordered at the laſt meeting, to the Sheffield Con-
" ſtitutional Society; 1,200 to the Norwich Conſtitutional So-
" ciety;

" ciety; to the Southwark Conſtitutional Society 200; to the " London Correſponding Society 200; to Mr. Joyce, to be " forwarded to Mr. Fox of Derby, 200; to the Conſtitutional " Whigs 200; to the Society at Belpar 200.

" Reſolved, That the Secretary ſend to Mr. Joyce, to be " forwarded to Birmingham, 600; to the Society at Aldgate " 200; to Mr. Walker, of Mancheſter, 1,200; to Lord Daer, " to be forwarded to Liverpool, 200; to Mr. Rutt, to be for- " warded to Cambridge, 500; and 400 to Lord Sempil, to be " diſtributed among the Societies in the neighbourhood of Glaſ- " gow."

(The following letter, from the London Correſponding Society, was read.)

" SIR, *Thurſday, 31ſt May, 1792.*

" The London Correſponding Society return thanks to the " Society for Conſtitutional Information for the communication " of Mr. Thomas Paine's letter to them, and of their reſolu- " tions ſubſequent thereto.

" It gives us infinite ſatisfaction to think that mankind will " ſoon reap the advantage of Mr. Paine's labours, in a new and " cheaper edition of the Rights of Man.

" We are however, no ways ſurpriſed at the report of a pro- " ſecution being commenced againſt his works, for, by the doc- " trine ſubſtituted for law in England, that truth conſtitutes the " libel, the very many truths in both volumes of the Rights of " Man, render them completely libellous; and force Admini- " ſtration, perhaps againſt their inclination, to ſubmit them to " the impartial inveſtigation of competent judges.

" His Majeſty's Proclamation next engages our notice: After " reading it with great attention, we diſcard an idea thrown out " by ſome, that it had been drawn up and ſent forth, at this " juncture, with a view of raiſing unfavourable prejudices in the " minds of the people againſt Mr. Paine, or his works, now " under a proſecution; inaſmuch as ſuch an attempt, if it could be " proved, would not only bear malice on the face of it, but " would likewiſe be a moſt daring violation of the laws.

" We

" We are more willing to discover therein his Majesty's great " goodness of heart and paternal care, anticipating our warmest " wishes, giving the greatest encouragement to our different So- " cieties, and holding forth the same strong desire with us *of* " *abiding by the Constitution in its pure and uncorrupt state*; of " *securing the public peace and prosperity*; of *preserving to* " ALL *the full enjoyment of their rights and liberties, both re-* " *ligious and civil*; and seeming, in fact, to encourage them " under the most serious consideration of *their own welfare, and* " *that of their posterity*; to join us, and unite their endeavours " with ours *in guarding against all attempts aiming at the sub-* " *version of wholesome and regular Government*; and *to discou-* " *rage and repress, to the utmost of their power, all proceedings* " *tending to produce riots and tumults.*

" Our ends being thus uncontrovertibly the same, and there- " by enjoying the royal sanction, we imagine that in exercising " our right of meeting, when and where we please, of canvassing " such subjects as we think proper, of instructing our fellow " citizens, and of uniting our endeavours to obtain a perfect re- " presentation in Parliament, we are taking the truest method of " securing to ourselves and our posterity all the blessings of li- " berty and peace.

" Yielding to the Society for Constitutional Information, " both in priority of institution, and in greatness of abilities, " we yet put in our claim for equality of zeal towards the pub- " lic good, and firm determination to obtain it.

" We are, with great esteem, Sir,

" Your faithful, humble servants,

" MAURICE MARGAROT, Chairman.

" THOMAS HARDY, Secretary."

Addressed; " *Major Cartwright, Chairman of the Society for* " *Constitutional Information.*"

" Ordered, That the said letter be published in such news- " papers *as will receive* the advertisements of this Society."

" At

" At a Meeting held at the Crown and Anchor Tavern, " Strand, on Friday the 8th of June, 1792,

" PRESENT,

" Mr. Sturch in the chair.

" Mr. I. H. Tooke, Mr. Froſt, Mr. Bonney, Colonel Miles, " Dr. Maxwell, Mr. Hull, Mr. Sinclair, Mr. M. Pearſon, " Mr. Lockhart, Rev. Mr. Joyce, Mr. Favell, Mr. John " Martin, Mr. Choppin, Captain Tooke Harwood, Mr. " M. Buſh, Mr. Jennings, Mr. Balmanno, Mr. Aſpinal, " Mr. Weſt, Mr. G. Williams, Mr. Buſh, Mr. B. Cooper, " Mr. Symonds, Mr. Tuffin, Mr. Fitzgerald, Mr. I. L. " Batley, Mr. I. Adams.

" Reſolved, That an open Committee of the Members of this " Society meet at the Secretary's houſe, to-morrow, at two " o'clock, to take into conſideration Mr. Paine's letter, which " is to be printed in the Argus of to-morrow; and that the " Committee have power to tranſmit copies thereof to the diffe- " rent Correſponding Societies in the country, if they ſhall think " proper."

Mr. Attorney General. Your Lordſhip will find, from ſubſequent entries, that thoſe words—" Paine's letter,"—means Mr. Paine's letter to Mr. Dundas, given in evidence upon the former trial, and which will be given in evidence again on this; and your Lordſhip will find, in the book of accounts, a parcel to Norwich, of Paine's letter to Mr. Dundas; a parcel to Sheffield; a parcel to Glaſgow; another parcel to Sheffield; another to Norwich, &c. We will now read the proceedings of the Conſtitutional Society, of the 25th of May, and the 15th of June, 1792.

" *May* 25, 1792.

" Read a paper called a Proclamation, dated 21ſt inſtant.

" Ordered, that the following reſolutions, relating to the ſaid " paper, called a Proclamation, be publiſhed in all the newſ- " papers."

" The

" The Society took into conſideration a paper, generally cir-
" culated, under the name of a Proclamation, whereupon the
" Society came to the following reſolutions:

" Reſolved, That the great pains taken in the aforeſaid cir-
" culated paper, to inform the people of their happineſs, ap-
" pears to this Society to be at leaſt unneceſſary; for, if the
" people are happy, they need not the information; and, if they
" are not ſo, it is not a Proclamation that will make them be-
" lieve it."

" Reſolved, That the people neceſſarily ſeparated, for the
" purpoſe of following their ſeveral occupations, and attending
" to their domeſtic concerns, have a right to meet, aſſociate, and
" communicate together, upon all matters relative to their com-
" mon good; and it is a duty they reciprocally owe to each other,
" ſo to do."

" Reſolved, That any publications, however denominated,
" which tend either directly, or by looſe, general, and obſcure
" expreſſions, to prohibit or controul the aforeſaid right of aſſo-
" ciation, or any other right, renders the exerciſe of that right
" the more neceſſary, and eſpecially under the preſent circum-
" ſtances, when the weight of taxes, and the exceſſive dearneſs
" of proviſions, are ſubjects of general complaint; and an ap-
" prehenſion prevails, that a confederacy of Courts is formed,
" or forming, againſt the natural and civil rights of man."

" Reſolved, That as it is a more grievous injury to kill than
" to defame, ſo is it in the opinion of this Society much worſe,
" to repeal and expunge, than to vilify and bring into contempt
" the wiſe and wholeſome proviſions made for the preſervation
" and ſecurity of the rights and liberties of the people."

" Reſolved, That the proviſions of an act of the ſixth of
" William and Mary, chap. 2. " That from henceforth no Par-
" liament whatſoever, that ſhall, at any time hereafter, be cal-
" led, aſſembled, or held, ſhall have any continuance, any lon-
" ger than for three years only, at the fartheſt, to be accounted
" from the day on which, by the writs of ſummons, the ſaid
" Parliaments ſhall be appointed to meet."

" Alſo, That the proviſion of 12 William III. chap. 2, that " all matters and things relating to the well-governing of this " kingdom, which are properly cognizable in the Privy Coun- " cil, by the laws and cuſtoms of this realm, ſhall be tranſacted " there; and all reſolutions taken thereupon ſhall be ſigned by " ſuch of the Privy Council as ſhall adviſe and conſent to the " ſame."

" Alſo, That the further proviſion by the ſaid act, that no " perſon who has an office, or place of profit, under the King, " or receives a penſion from the Crown, ſhall be capable of " ſerving as a member of the Houſe of Commons."

" Reſolved, That the foregoing were, in a great degree, wiſe " and wholeſome proviſions, made for the preſervation and ſe- " curity of the rights and liberty of the people, which, notwith- " ſtanding, ſo far from being ſince ſtrengthened and confirmed " by ſubſequent laws, have, to our great miſchief, been totally " repealed and taken away."

" Reſolved, That the monſtrous enormity and grievance of the " preſent national debt;

" The grievous oppreſſion of ſeventeen millions annually of " taxes;

" The ſcandalous duration of parliaments for ſeven years;

" Private proprietors of boroughs, falſely pretending to be, " and really acting as, Repreſentatives of the People;

" Judges claiming in all caſes, and under all circumſtances, " the determination of the criminality or innocence of any act, " excluſively of the jury; expenſive armaments, and mena- " cing proclamations and encampments, in time of a profound " peace:

" Theſe things we cannot believe either wiſe or wholeſome; " and we declare it to be a fatal omiſſion, at the time of the " Revolution, that theſe things were not ſufficiently guarded " againſt; and we feel it our duty, to the utmoſt of our power, " to obtain a full and fair repreſentation of the people, which " we hold to be the only effectual ſecurity for their rights, " liberties, and property, and to be the only meaſure that can

" produce

" produce that due ſubmiſſion to the laws, and that juſt con-
" fidence in the integrity and wiſdom of parliament, which are
" declared in the ſaid paper, called a Proclamation, to be the
" chief cauſes (under Providence) of the wealth, the happineſs,
" and the proſperity of the kingdom."

" Mr. Tooke, from the Committee appointed at the laſt
" meeting, to enquire relative to the rumour of a proſecution
" againſt Mr. Paine, deſired time to make their report till a
" future meeting."

" At a Meeting, held on Friday, the 15th of June, 1792, at
" the Crown and Anchor Tavern, Strand,

" PRESENT,

" I. H. Tooke, Eſq; in the chair.

" Mr. Simmonds, Mr. Bonney, Mr. Froſt, Mr. M. Pearſon,
" Mr. W. Sharpe, Mr. C. Hull, Mr. Williams, Mr. Mar-
" tin, Mr. Lockhart, Mr. Buſh, Mr. A. Buſh, Mr. Chop-
" pin, Mr. Wood, Mr. Chatfield, Rev. Mr. Joyce, Dr.
" Edwards, Mr. G. Williams, Mr. Sinclair, Mr. Sturch,
" Mr. Fitzgerald, Lord Daer, Mr. Aſpinal, Colonel Miles,
" Mr. Walſh, Mr. Cooper.

" Read a letter from the London Correſponding Society,
" ſtating, that they had opened a ſubſcription for the defence of
" Mr. Paine, and that they wiſhed ſix of their members might
" be aſſociated with this Society.

" Ordered, That the ſecretary be deſired to inform the ſecre-
" tary of the London Correſponding Society, that this Society
" receive their propoſal with pleaſure; and are willing to admit
" ſuch ſix of the members whom they ſhall nominate, to be aſſo-
" ciated members of this Society."

" Reſolved, That a Subſcription be opened in this Society,
" for the benefit of Mr. Thomas Paine, author of the Rights of
" Man."

" Reſolved, That the letter of the London Correſponding So-
" ciety, and the two laſt reſolutions, be publiſhed in the news-
" papers."

" Reſolved, That 12,000 copies of Mr. Paine's letter to
" Mr. Secretary Dundas, be printed by this Society, for the
" purpoſe of being tranſmitted to our correſpondents through-
" out Great Britain; and that a committee be appointed to direct
" the ſame."

" Reſolved, That the ſaid Committee conſiſt of Mr. Tooke,
" Mr. Sturch, Mr. Chatfield, Rev. Mr. Joyce, Mr. Simmonds,
" and Mr. Froſt."

" Reſolved, That the ſubſcription for the benefit of Mr. Paine,
" opened by this ſociety, be paid into the hands of the Treaſurer
" of this ſociety."

Mr. Bower. Here is the original minute of theſe proceedings. I will prove they are Mr. Tooke's hand-writing.

Mr. Maclean. I found this paper in the poſſeſſion of Mr. Adams.

Mr. Bower. Mr. Woodfall, whoſe hand-writing do you believe this paper to be?

Mr. William Woodfall. I believe this to be Mr. Tooke's hand-writing.

(*The rough draught of the Minutes was read.*)

Mr. Daniel Adams called again.

Mr. Bower. Whether this book of accounts contains an account of your expenditure, for the uſe of the Conſtitutional Society?

A. Yes, it does.

Q. There are ſome marginal notes there—" returned by the " Oracle"—and other papers; are thoſe minutes of your making?

A. They are.

Q. Were they made becauſe the papers were ſo returned from the publiſhers of theſe newſpapers?

A. Yes, they declined inſerting them in their papers.

Q. Does this book contain a true account of your expenditures for the uſe of that Society?

A. It does.

Mr. Bower. Look at the entry of a meeting, on the 22d of July, 1792; where was that meeting held?

A. At my houſe.

Q. Is that an entry of a meeting that was held at that time?

A. It is.

Q. And the names of the parties appearing there were perſons preſent at ſome part of the evening?

A. Some part of the evening they were.

Mr. Gibbs. What is this entry?

Lord Chief Juſtice Eyre. It is an entry which was read laſt night, *de bene eſſe*, Mr. Adams not being here to prove it, by ſome means, in going through the general account, he miſſed that meeting.

(*The following entry was read from the book of the Society for Conſtitutional Information.*)

" At a meeting held at the Crown and Anchor Tavern, on " Friday, 22d of June, 1792,

" PRESENT,

" Mr. Froſt in the Chair,

" Dr. Edwards, Mr. C. Sharpe, Mr. Paine, Mr. I. H. Tooke,
" Dr. Maxwell, Rev. Mr. Joyce, Mr. Bonney, Mr. I. Joyce,
" Lord Sempill, Mr. Sturch, Mr. Jennings, Mr. M. Buſh,
" Mr. Buſh, Mr. Rutt, Mr. Williams, Mr. Balmanno,
" Mr. Bakewell, Mr. G. Williams, Mr. Chatfield, Mr.
" Watts, Mr. I. Martin, Mr. Sinclair,

" Mr. Tooke reported that an information was filed againſt " Mr. Paine, for his publication of the Rights of Man."

" Ordered, That the ſubſcription entered into for the benefit " of Mr. Thomas Paine, be entered in a ſeparate part of the " book, and kept open for the members of this Society."

" It was ſtated to the Society that Mr. Favell having a great " many ſimilar concerns on his hands, wiſhed to be excuſed from " receiving the ſubſcriptions on Mr. Paine's account."

" Reſolved, That the ſubſcriptions be received by Mr. Bon- " ney, Mr. Paine's Solicitor."

"Mr. Sturch reported that the Committee, appointed to cir-
"culate Mr. Paine's letter to Mr. Dundas, had obtained an
"eſtimate for printing 12,000, which amounted to 25l."

"Ordered, That 12,000 copies of the ſaid letter be printed,
"according to the eſtimate reported."

"Reſolved, That the ſame Committee be requeſted to meet
"on this day ſevennight, at four o'clock, at this place, to con-
"ſider of the beſt means of circulating the ſame."

Thomas Chapman, called again.

Examined by *Mr. Garrow.*

Q. Laſt night you gave an account of your printing the firſt part of Paine's Rights of Man—be ſo good as look at the ſecond part—Did you print any part of that by Mr. Paine's orders?

A. Not of this book.

Q. You mean not that particular book?

A. Not that particular book.

Q. Did you print up to any extent, and to what page of the ſecond part of the Rights of Man, for Mr. Paine—Look at this copy, it is one I had occaſion to ſhew you a few days ago—Did you print any part of that for Mr. Paine?

A. This is not the copy you gave me before: I did not print this particular book; I am certain this is not the book, becauſe this is the third edition.

(Another copy ſhewn to the witneſs.)

A. This is not mine.

Mr. Garrow. You told us, in the courſe of your evidence in this cauſe, that you printed the firſt part of the Rights of Man for Mr. Paine?

A. Yes.

Q. Did you ſee Mr. Paine upon the ſubject of any publication called the ſecond part of the Rights of Man?

A. I did.

Q. Did you print any part of that work for him?

A. I did.

A. I did.

Q. Up to what page?

A. Up to page 128, I think.

Q. When you had printed ſo far, did any thing paſs which broke off the connection, in buſineſs, between you and Mr. Paine?

A. Yes.

Q. Do you know, from your own knowledge, or from Mr. Paine, who was applied to to go on with that publication?

A. From particular circumſtances I know that Mr. Benſley was applied to.

Q. Do you know, in point of fact, who took up the printing from where you left off.

A. I do not.

Q. The book, you have in your hand, appears to be publiſhed by Jordan?

A. It does.

Jeremiah Samuel Jordan, (ſworn)

Examined by *Mr. Garrow.*

Q. You are a bookſeller?

A. Yes.

Q. Do you recollect publiſhing the Rights of Man for Mr. Paine?

A. Yes.

Q. Did you deliver any copies of that work, at any time, to Mr. White?

A. I do not recollect.

Q. Try to recollect yourſelf, and tell me whether, upon that occaſion, you did or not give Mr. White a copy of that work?

A. I cannot recollect—it is two years ſince—and I have not the leaſt recollection upon the ſubject, whether I did or not.

Q. Look at that book, and tell me whether you believe that to be one publiſhed by you?

A. I do not think this was publiſhed by me.

Q. Look at it?

A. I do not believe it was publiſhed by me.

 Q. Why?

Q. Why?

A. Becauſe I ſee there is my own writing upon the title; it was bought from another perſon.

Q. Have you any doubt that it was once in your poſſeſſion?

A. It was in my poſſeſſion undoubtedly.

Q. But you did not print it?

A. No; nor I did not ſell this book.

Q. Did you buy it?

A. A perſon bought it for me?

Q. Who did you receive it from?

A. From a Mr. Huntley, I ſee.

Q. Who is he?

A. He lives, I believe, in Duke-ſtreet, Groſvenor-ſquare.

Q. As you did not ſell it, perhaps you gave it away?

A. It is likely I did.

Q. Seeing your own hand-writing upon it, and recollecting you had ſome converſation with Mr. White upon the ſecond part of the Rights of Man, have you the leaſt doubt, upon your oath, that you gave Mr. White that book?

A. I cannot ſay; I rather think I might.

Mr. Garrow. Rather think you might!

A. I cannot be poſitive; I do not recollect the circumſtance.

Q. What is in your hand-writing?

A. "Bought of Mr. Johnſon, February 18th, 1792, by Mr. "Huntley."

Q. This is a memorandum of your own?

A. Yes.

Q. Upon what occaſion did you make that memorandum?

A. Becauſe I was deſirous to know whether Mr. Johnſon had ſold any.

Q. That deſire could not have led you to make that memorandum?

A. It was to be certain that Mr. Johnſon had ſold it.

Q. Upon what occaſion did you make that memorandum?

A. Becauſe I underſtood my name was put to it, and therefore I did not expect that Mr. Johnſon would ſell them.

Q. You

Q. You thought Mr. Johnſon would not ſell the book with your name to it?

A. Yes.

Q. Was your name put to it without your conſent?

A. It was not.

Q. Your conſent was given, then, to put your name to that?

A. Yes.

Q. You ſay you did not publiſh that book—you do not call giving a book away publiſhing a book—publiſhing is ſelling?

A. Yes; though I publiſhed a great number of the books, I did not publiſh this, becauſe I did not ſell it.

Q. Did you publiſh any of which this is a copy?

A. I did.

Q. Have you any doubt that you publiſhed ſome of which this is one copy?

A. Not at all.

Q. Who did you publiſh them for?

A. For Mr. Paine.

Q. Had you communications with Mr. Paine upon the ſubject of the publication?

A. Very little; I had ſome converſation with him.

Q. Was there any profit?

A. Yes.

Q. Was there any account to be rendered?

A. Yes.

Q. Had you any account, upon the ſubject of that publication, with Mr. Paine, or with Mr. Tooke?

A. With Mr. Paine.

Q. Do you know Mr. Horne Tooke?

A. Yes.

Q. Did you ever ſee him upon the ſubject of the publication of that ſecond part of the Rights of Man?

A. I do not recollect upon the ſecond part.

Q. Endeavour to recollect yourſelf?

A. When the action was commencing againſt me, I went to Mr. Tooke.

Q. I ſuppoſe the proſecution you mean?

A. Yes;

A. Yes; for publiſhing the ſecond part of the Rights of Man—I went, according to orders, to Mr. Tooke.

Q. Did you communicate to him that you came in conſequence of orders?

A. In conſequence of a letter which I received from Mr. Paine.

Q. Did that letter direct you to go to Mr. Tooke?

A. I do not recollect that it did.

Q. You told me you went, in conſequence of an order, to Mr. Tooke?

A. In conſequence of an order from Mr. Paine to Mr. Tooke, expecting to meet Mr. Paine there.

Q. Did you meet Mr. Paine there?

A. I did.

Q. Was Mr. Tooke there too?

A. He was.

Q. Recollect what paſſed when Mr. Paine and Mr. Tooke were preſent?

A. I cannot ſay; Mr. Tooke and I had a little diſpute about my being timid, in conſequence of the action.

Q. Having a ſort of diſpute enables one to recollect the converſation more than when one has no diſpute—What was the converſation?

A. Mr. Tooke ſeemed angry that I was timid, and was doubtful of leaving the action with Mr. Bonney.

Q. Had it been before that ſettled that Mr. Bonney ſhould defend you upon that proſecution?

A. I ſaw Mr. Bonney at that time at Mr. Tooke's.

Q. Who elſe was preſent?

A. Mr. King, that is an attorney I took with me; I was rather timid, and was not ſatisfied with Mr. Paine's proceedings; I was rather fearful; I therefore took the gentleman recommended to me, Mr. King, an attorney, as a witneſs. I really cannot recollect what paſſed.

Q. Was any body elſe there?

A. Only Mr. Tooke and Mr. Bonney.

Q. You was fearful, you ſay, of truſting Mr. Bonney with your defence?

A. I was

A. I was rather fearful.

Q. Can you recollect what Mr. Tooke ſaid to you upon that ſubject?

A. He ſaid Mr. Paine had employed Mr. Bonney for the defence; I might go home about my buſineſs, and reſt ſatisfied that Mr. Bonney would take care of the buſineſs.

Q. That is one of the edition of the book, is it?

A. I cannot ſay it is.

Q. Perhaps I am in an error as to the edition?

A. This is not the ſame edition.

Mr. Erſkine. How do you know that this is one of the copies?

A. Becauſe there is my own hand-writing on this book.

Mr. Erſkine. How did you know that it was a copy when you put your writing on it, you only gueſſed it then, I ſuppoſe, as you do now?

A. Yes.

Mr. Garrow. Was this one of the copies of that work which you had for publication?

A. No; this was never in my houſe, I believe, till I bought it.

Q. Not that particular book?

A. No; not that particular book.

Jeremiah Samuel Jordan.

Croſs-examined by *Mr. Erſkine.*

Q. You went and bought that book?

A. I ſent for it.

Q. And when you had bought it you put your name upon it, as a proof that it was the book you bought?

A. Yes.

Q. How do you know that the book you bought was the book, which you yourſelf had publiſhed?

A. No; I cannot ſay that—this book never was in my houſe till I bought it—that I can ſwear to.

Mr. Garrow. Look at this (*ſhewing the witneſs another copy*) to uſe your own ſenſe of the word *publiſh*, did you publiſh that?

A. I cannot ſay to this very book, I publiſhed a number of a book like this.

Q. Had thoſe which you and Johnſon ſold, publiſhed by you, your name upon them—Had the work the general appearance which this has?

A. Yes.

Q. Was it printed in that manner?

A. Yes.

Q. On that letter, of that ſize, and that ſort of paper?

A. I cannot ſay ſo particularly, becauſe the paper is rather mixed.

Q. You are a conſiderable bookſeller, I ſuppoſe?

A. I ſell a number of books.

Q. Do you know of any other of Mr. Paine's Rights of Man, the Second Part, that has paſſed through your hands as a bookſeller, of that ſize and appearance, except thoſe publiſhed by you?

A. I have ſeen another edition.

Q. The cheap edition?

A. No; another octavo edition—"printed for D. Jordan, "Piccadilly."

Q. Have you ſeen any with J. S. Jordan, of that ſize, that were not publiſhed by you?

A. No; I have ſeen a ſmall edition.

Mr. Erſkine. You know no more of that than you do of the other book?

Mr. Garrow. We propoſe to read them upon this evidence.

Mr. Erſkine. It is not our object at all to argue it.

Lord Chief Juſtice Eyre. It was read ſubſtantially upon the ſame evidence before.

Mr. Erſkine. All I ſay is, I do not think myſelf the leaſt intereſted about it, I ſubmit that it is not evidence.

Lord Chief Juſtice Eyre. The queſtion was mooted before, and the Court was of opinion, in reſpect of a book publiſhed through the town, that this was a reaſonable evidence to go to the Jury, that it was the ſame book.

(Several

(Several extracts from the Rights of Man, Part the Second, were read.)

[*Vide Hardy's Trial, vol.* ii. *page* 17.]

Mr. Tooke. I believe I have likewiſe a right to deſire an extract to be read out of that book—it will be a little prepoſterous, but not the leſs ſuitable to this ſort of evidence—I beg that the preface may be read.

(The Preface was read.)

[*Vide Hardy's Trial, vol.* ii. *page* 22.]

(The following entries were read from the books of the Society for Conſtitutional Information.)

" At a meeting at the Crown and Anchor Tavern, Strand, " Friday, 29th of June, 1792.

" PRESENT,

" Dr. Edwards, in the chair.

" Lord Sempill, Mr. I. H. Tooke, Mr. Froſt, Mr. Choppin, " Mr. W. Sharpe, Mr. Bonney, Mr. Hull, Mr. Buſh, Mr. " Sturch, Mr. Sutton, Mr. Williams, Mr. Chatfield, Rev. " Mr. Joyce, Mr. G. Williams, Captain T. Harwood, Mr. " Sinclair, Mr. Fitzgerald, Mr. A. Buſh, Mr. Balmanno, " Mr. Watts, Dr. Kentiſh.

" Mr. Sturch reported from the Committee appointed to conſider of the beſt means of circulating Mr. Paine's Letter to " Mr. Secretary Dundas, that they were of opinion the letters " ſhould be ſent as follows:

" 250 Rev. Mr. Morris, Great Yarmouth.
" 100 Mr. Notcutt, Ipſwich, Suffolk.
" 100 Rev. Mr. Rowe, Shrewſbury.
" 150 Mr. Sampſon Kingsford, Canterbury.

" Sent to Mr. Joyce.

" 1200

" 1200 Mr. Thomas Walker, Manchester.
" 1200 Mr. Goff, Norwich.
" 1200 Mr. Ashton, Sheffield.
" 200 Mr. Fox, Derby.
" 100 Mr. Logsden, Chesshunt, Herts.
" 100 Editor of the Leicester Herald, Leicester.
" 150 Rev. Mr. Edwards, Birmingham.

" Sent by coach.

" 200 Exeter.
" 100 Mr. Hazlett, Weymouth.

" Sent to Mr. Puller's, leather-seller, Long Acre.

" 400 Mr. Audley, Cambridge.
" 200 Mr. Nash, Royston.

" Sent by Mr. Rutt, Thames-street.

" 200 London Corresponding Society; sent to Mr. Hawes.
" 50 Aldgate Society; sent to the Mitre.
" 50 Constitutional Whigs; sent to Mr. Conner.
" 6 Mr. Lambton; sent to him.
" 6 Mr. Whitbread; sent to him.
" 200 Friends of the People, Borough; sent to Mr. Favell.
" 100 Mr. Bush; sent to him.
" 300 Mr. Pearson, and Mr. Balmanno; sent to them.
" 400 Lord Semphill, Glasgow.

" 100 Mr. Thomas Francis, Birmingham.
" 100 Rev. Mr. Martin.
" 100 Rev. Mr. Joyce; Lord Stanhope's.
" 100 Mr. Frost, Spring Gardens.
" 100 Rev. Mr. Potticary, Ile of Wight.
" 100 Rev. Mr. Toulmin, Taunton.
" 190 Rev. Mr. Corrie, Broomsgrove.
" 100 Rev. Mr. Wyche, Maidstone.
" 200 Mr. Rutt, Thames-street.

" 200

" 200 Rev. Mr. Lloyd, Suſſex.
" 100 Rev. Mr. Mills, Portſmouth.
" Sent to Mr. Sturch, and by him ſent to the diffe-
" rent perſons.

" 700 Mr. Johnſon, St. Paul's Church-Yard, for different
" parts of the Country.

" 8962

" Ordered, That the Letter be circulated agreeable to the
" report of the Committee."

" At a meeting of the Society held at the Crown and Anchor
" Tavern, Strand, Friday, 6th July, 1792.

" PRESENT,

" Mr. Sturch, in the chair.

" Mr. Chatfield, Mr. I Martin, Lord Sempill, Mr. Froſt,
" Mr. Simmonds, Rev. Mr. Joyce, Mr. Bonney, Mr.
" Brookbank, Colonel Keating, Mr. M. Pearſon, Mr. W.
" Sharpe, Mr. Buſh, Mr. Balmanno, Mr. Jennings, Mr.
" Hull, Mr. I. H. Tooke, Captain Tooke Harwood, Mr.
" Bakewell, Mr. Hind, Mr. G. Williams, Mr. Lockhart,
" Mr. I. Williams, Mr. Sutton, Mr. Watts, Mr. Walſh,
" Mr. Campbell, Mr. I. Adams, Mr. Barlow, Dr. Ken-
" tiſh.

" Read a letter from the London Correſponding Society, re-
" turning thanks for the communication of this Society, and
" forwarding the following names as proper perſons to be
" elected aſſociated members of this Society: Mr. Hardy, Mr.
" Margarot, Mr. Richter, Mr. Littlejohn, Mr. Grant, and
" Mr. Gow."

Mr. Maclean. I found this letter among Mr. Adams's papers.

(*A letter*

(*A Letter ſigned Thomas Hardy, Secretary, addreſſed to Mr. D. Adams, dated July* 6, 1792, *read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 416.]

Mr. Lauzun. This is one of the books I found at Mr. Hardy's houſe.

(*It was read.*)

"MR. PAINE'S LETTER

"TO

"*Mr. Secretary DUNDAS.*

"SIR, "*London, June* 6, 1792.

"As you opened the debate in the Houſe of Commons, "May 25th, on the Proclamation for ſuppreſſing Publications, "which that Proclamation (without naming any) calls wicked "and ſeditious, and as you applied thoſe opprobrious epithets "to the works entitled RIGHTS OF MAN, I think it un- "neceſſary to offer any other reaſon for addreſſing this Letter to "you.

"I begin, then, at once, by declaring, that I do not be- "lieve there are to be found in the writings of any author, "ancient or modern, on the ſubject of Government, a ſpirit "of greater benignity, and a ſtronger inculcation of moral "principles than in thoſe which I have publiſhed. They "come, Sir, from a man who, by having lived in different "countries, and under different ſyſtems of Government, and "who, being intimate in the conſtruction of them, is a better "judge of the ſubject than it is poſſible that you, from the want "of thoſe opportunities, can be;—and beſides this, they come "from a heart that knows not how to beguile.

"I will further ſay, that when that moment arrives in "which the beſt conſolation that ſhall be left will be that "of looking back on ſome paſt actions, more virtuous, more "meritorious than the reſt, I ſhall then with happineſs re- "member among other things, I have written the RIGHTS

"OF

" OF MAN.—As to what Proclamations, or Profecutions, or " Place-men, or Place expectants—thoſe who poſſeſs, or thoſe " who are gaping for office, may ſay of them, it will not alter " their character, either with the world or with me.

" Having, Sir, made this declaration, I ſhall proceed to " remark, not particularly upon your own Speech on that " occaſion, but on any other Speech to which your Motion " on that day gave riſe; and I ſhall begin with that of Mr. " ADAM.

" This Gentleman accuſes me of *not* having done the very " thing that *I have done*, and which (he ſays) if I *had* done, he " ſhould not have accuſed me.

" Mr. ADAM in his Speech, (ſee the Morning Chronicle " of May 16) ſays, 'That he had well conſidered the ſubject " of Conſtitutional Publications, and was by no means ready to " ſay (but the contrary) that books of ſcience upon Govern- " ment, though recommending a doctrine or ſyſtem different " from the form of our Conſtitution, (meaning that of England) " were fit objects of proſecution; that if he did, he muſt con- " demn (which he meant not to do) HARRINGTON for his " Oceana, Sir THOMAS MORE for his Eutopia, and HUME for " his idea of a perfect Commonwealth. But, (continued Mr. " ADAM) the Publication of Mr. PAINE was very different, for " it reviled what was *moſt ſacred* in the Conſtitution, deſtroyed " every principle of ſubordination, and *eſtabliſhed nothing in* " *their room*.'

" I readily perceive that Mr. ADAM had not read the *Se-* " *cond* Part of *Rights of Man*, and I am put under the neceſſity, " either of ſubmitting to an erroneous charge, or of juſtifying " myſelf againſt it; and I ſhall certainly prefer the latter.—If " then I ſhall prove to Mr. ADAM that, in my reaſoning upon " ſyſtems of Government in the ſecond part of *Rights of Man*, " I have ſhewn, as clearly, I think, as words can convey ideas, " a certain ſyſtem of Government; and that not exiſting in " theory only, but already in full and eſtabliſhed practice, and " ſyſtematically and practically free from all the vices and de- " fects of the Engliſh Government, and capable of producing

" more happineſs to the People, and that alſo with an eighteenth " part of the Taxes, which the preſent Syſtem of Engliſh " Government conſumes; I hope he will do me the juſtice, " when he next goes to the Houſe to get up and confeſs, he had " been miſtaken in ſaying, that I had *eſtabliſhed nothing, and* " *that* I had *deſtroyed every principle of ſubordination.* Having " thus opened the caſe, I now come to the point.

" In the Second Part of RIGHTS OF MAN, I have " diſtinguiſhed Government into two claſſes or ſyſtems; the " one the hereditary ſyſtem; the other the repreſentative " ſyſtem.

" In the Firſt Part of *Rights of Man*, I have endeavoured " to ſhew, and I challenge any man to refute it, that there " does not exiſt a right to eſtabliſh Hereditary Government; " or, in other words, Hereditary Governors; becauſe Here- " ditary Government always means a Government yet to " come, and the caſe always is, that the People who are to " live afterwards, have always the ſame right to chuſe a go- " vernment for themſelves, as the People had who lived before " them.

" In the Second Part of *Rights of Man*, I have not re- " peated thoſe arguments, becauſe they are irrefutable; but " have confined myſelf to ſhew the defects of what is called " Hereditary Government, or Hereditary Succeſſion; that it " muſt, from the nature of it, throw Government into the " hands of men totally unworthy of it, from want of princi- " ple, or unfitted for it from want of capacity.—JAMES the Se- " cond is recorded as an inſtance of the firſt of theſe caſes; and " inſtances are to be found almoſt all over Europe to prove the " truth of the latter.

" To ſhew the abſurdity of the Hereditary Syſtem ſtill more " ſtrongly, I will now put the following caſe:—take any fifty " men promiſcuouſly, and it will be very extraordinary, if out " of that number, one man ſhould be found, whoſe princi- " ples and talents taken together, (for ſome might have prin- " ciples, and others have talents) would render him a perſon " truly fitted to fill any very extraordinary office of National

" Truſt.

" Truſt. If then ſuch a fitneſs of character could not be " expected to be found in more than one perſon out of fifty, " it would happen but once in a thouſand years to the eldeſt " ſon of any one family, admitting each, on an average, to " hold the office twenty years. Mr. ADAM talks of ſomething " in the Conſtitution which he calls *moſt ſacred*; but I hope " he does not mean hereditary ſucceſſion, a thing which appears " to me a violation of every order of Nature and of Common " Senſe.

" When I look into hiſtory and ſee the multitude of men, " otherwiſe virtuous, who have died, and their families been " ruined, in defence of knaves and fools, and which they would " not have done had they reaſoned at all upon the ſyſtem; " I do not know a greater good that an individual can render " to mankind, than to endeavour to break the chains of poli- " tical ſuperſtition. Thoſe chains are now diſſolving faſt, and " proclamations and proſecutions will ſerve but to haſten that " diſſolution.

" Having thus ſpoken of the Hereditary Syſtem as a bad " ſyſtem, and ſubject to every poſſible defect; I now come to " the Repreſentative Syſtem; and this Mr. ADAM will find " ſtated in the ſecond part of Rights of Man, not only as the beſt, " but as the only *Theory* of Government under which the liber- " ties of a people can be permanently ſecure.

" But it is needleſs now to talk of mere Theory, ſince " there is already a Government in full practice; eſtabliſhed " upon that Theory, or in other words, upon the Rights of " Man, and has been ſo for almoſt twenty years. Mr. PITT, " in a ſpeech of his ſome ſhort time ſince, ſaid, 'That there " never did, and never could exiſt, a Government eſtabliſhed " upon thoſe Rights, and that if it began at noon, it would " end at night.' Mr. PITT is not yet arrived at the degree " of a ſchool-boy in this ſpecies of knowledge. His practice " has been confined to the means of *extorting revenue*, and " his boaſt has been—*how much?* Whereas the boaſt of the " Syſtem of Government that I am ſpeaking of, is not how much, " but how little.

" The System of Government purely representative, mixed " with anything of hereditary nonsense, began in America. I " will now compare the effects of that system of Government " with the system of Government in England, both during, and " since the close of the war.

" So powerful is the Representative System; first, by com- " bining and consolidating all the parts of a country together, " however great the extent; and secondly, by admitting of " none but men properly qualified into the Government, or " dismissing them if they prove to be otherwise, that America " was enabled thereby totally to defeat and overthrow all the " schemes and projects of the Hereditary Government of Eng- " land against her. As the establishment of the Revolution and " Independence of America is a proof of this fact, it is needless " to enlarge upon it.

" I now come to the comparative effect of the two Systems " *since* the close of the war, and I request Mr. ADAM to attend " to it.

" America had internally sustained the ravage of upwards " of seven years of war, which England had not. England " sustained only the expence of the war; whereas America " sustained, not only the expence, but the destruction of pro- " perty committed by *both* armies. Not a house was built " during that period, and many thousands were destroyed. The " farms and plantations along the coast of the Country, for " more than a thousand miles, were laid waste. Her commerce " was annihilated. Her ships were either taken or had rotted " within her own harbour. The credit of her funds had fallen " upwards of ninety per cent. that is, an original hundred pounds " would not sell for ten pounds. In fine, she was apparently " put back an hundred years when the war closed; which was " not the case with England.

" But such was the event, that the same Representative " System of Government, though since better organized, which " enabled her to conquer, enabled her also to recover; and she " now presents a more flourishing condition, and a more happy " and harmonized society under that system of Government,

" than

" than any country in the world can boaſt under any other. " Her towns are rebuilt, much better than before; her com- " merce is ſpread over the world, and her funds have riſen from " leſs than ten pounds the hundred to upwards of one hundred " and twenty. Mr. PITT, and his colleagues, talk of the " things that have happened in his boyiſh Adminiſtration " without knowing what greater things have happened elſewhere, " and under other ſyſtems of Government.

" I next come to ſtate the expence of the two ſyſtems, as " they now ſtand in each of the countries; but it may firſt be " proper to obſerve, that Government in America is what it " ought to be, a matter of honour and truſt, and not made a " trade of for the purpoſe of lucre.

" The whole amount of the nett taxes in England (exclu- " ſive of the expence of collection, of drawbacks, of ſeizures " and condemnations, of fines and penalties, of fees of office, " of litigations and informers, which are ſome of the bleſſed " means of enforcing them) is, ſeventeen millions. Of this ſum, " about nine millions go for the payment of the intereſt of the " National Debt, and the remainder, being about eight millions, " is for the current annual expences. Thus much for one ſide " of the caſe. I now come to the other.

" The expence of all the ſeveral departments of the Ge- " neral Repreſentative Government of the United States of " America, extending over a ſpace of country nearly ten " times larger than England, is two hundred and ninety- " four thouſand, five hundred and fifty-eight dollars, which, " at 4s. 6d. per dollar, is 66,275l. 11s. ſterling, and is thus " apportioned:

" *Expence of the Executive Department.*

	£.	s.	
" The Office of the Preſidency, at which the Preſi-			
" dent receives nothing for himſelf	5,625	0	
" Vice Preſident	1,125	0	
" Chief Juſtice	900	0	
" Five Judges	3,600	0	

	Brought over	7,650	0
" Five aſſociate Juſtices		3937	10
" Nineteen Judges of Diſtricts and Attorney-General		6,873	15
" *Legiſlative Department.*			
" Members of Congreſs at ſix dollars (1l. 7s.) per " day, their Secretaries, Clerks, Chaplains, Meſſen- " gers, Door-keepers, &c.		25,515	0
" *Treaſury Department.*			
" Secretary, Aſſiſtant, Comptroller, Auditor, Trea- " ſurer, Regiſter, and Loan-Office-Keeper, in each " State, together with all neceſſary Clerks, Office- " Keepers, &c.		12,825	0
" *Department of State, including Foreign Affairs.*			
" Secretary, Clerks, &c. &c.		1,406	5
" *Department of War.*			
" Secretary, Clerks, Paymaſters, Commiſſioners, &c.		1,462	10
" *Commiſſioners for ſettling Old Accounts.*			
" The whole Board, &c.		2,598	15
" *Incidental and Contingent Expences.*			
" For Fire-Wood, Stationary, Printing, &c.		4,006	16
	Total	66,275	11

" On account of the inſurſions of the Indians on the back " ſettlements, Congreſs is at this time obliged to keep ſix thou- " ſand militia in pay, in addition to a regiment of foot, and a " battalion of artillery, which it always keeps; and this in- " creaſes the expence of the War Department to 390,000 dol- " lars, which is 87,795l. ſterling, but when Peace ſhall be " concluded with the Indians, the greateſt part of the expence " will ceaſe, and the total amount of the expence of Govern- " ment, including that of the army, will not amount to one " hundred thouſand pounds ſterling, which, as has been al-

" ready

" ready stated, is but an eightieth part of the expences of the " English Government.

" I request Mr. ADAM and Mr. DUNDAS, and all those " who are talking of Constitutions, and blessings, and Kings, " and Lords, and the Lord knows what, to look at this state- " ment. Here is a form and system of Government, that is " better organized and better administered than any Govern- " ment in the world, and that for less than one hundred thou- " sand pounds per annum, and yet every Member of Congress " receives, as a compensation for his time and attendance on " public business, one pound seven shillings per day, which is " at the rate of nearly five hundred pounds a year.

" This is a Government that has nothing to fear. It needs " no Proclamation to deter people from writing and reading. " It needs no political superstition to support it. It was by " encouraging discussion, and rendering the press free upon all " subjects of Government, that the principles of Government " became understood in America, and the people are now en- " joying the present blessings under it. You hear of no riots, " tumults, and disorders in that country; because there exists " no cause to produce them. Those things are never the ef- " fect of Freedom, but of restraint, oppression, and excessive " taxation.

" In America there is not that class of poor and wretched " people that are so numerously dispered all over England, " and who are to be told by a Proclamation, that they are " happy; and this is in a great measure to be accounted for, not " by the difference of Proclamations, but by the difference " of Governments and the difference of Taxes between that " country and this. What the labouring people of that country " earn they apply to their own use, and to the education of " their children, and do not pay it away in Taxes as fast as " they earn it, to support Court-extravagance, and a long " enormous list of Placemen and Pensioners; and besides this, " they have learned the manly doctrine of reverencing them- " selves, and consequently of respecting each other; and they

" laugh at those imaginary beings called Kings and Lords, and
" all the fraudulent trumpery of Courts.

" When Placemen and Pensioners, or those who expect to
" be such, are lavish in praise of a Government, it is not a
" sign of its being a good one. The pension-list alone, in
" England, (see Sir JOHN SINCLAIR's History of the Revenue,
" page 6, of the Appendix) is One Hundred and Seven Thou-
" sand Four Hundred and Four Pounds, *which is more than*
" *the expences of the whole Government of America amount to.*
" And I am now more convinced than before, that the offer
" that was made to me of a Thousand pounds, for the copy-
" right of the Second Part of *Rights of Man*, together with
" the remaining copy-right of the First Part, was to have ef-
" fected, by a quick suppression, what is now attempted to be
" done by a Prosecution. The connection which the person
" who made that offer has with the King's Printing Office, may
" furnish part of the means of enquiring into this affair, when
" the Ministry shall please to bring their Prosecution to issue.
" But to return to my subject—

" I have said in the Second Part of *Rights of Man*, and I
" repeat it here, that the service of any man, whether called
" King, President, Senator, Legislator, or any thing else, can-
" not be worth more to any country, in the regular routine of
" office, than Ten thousand pounds per Annum. We have a
" better man in America, and more of a Gentleman than any
" King I ever knew of, who does not occasion even half that
" expence; for though the salary is fixed at 5625l. he does not
" accept it, and it is only the incidental expences that are paid
" out of it. The name by which a man is called is, of itself,
" but an empty thing. It is worth and character alone which
" can render him valuable, for without these, Kings, and Lords,
" and Presidents, are but jingling names.

" But without troubling myself about Constitutions of Go-
" vernment, I have shewn in the Second Part of *Rights of*
" *Man*, that an alliance may be formed between England,
" France, and America, and that the expences of Govern-

 " ment

" ment in England may be put back to one million, and an
" half, viz.

" Civil expence of Government,		£.500,000
" Army,		500,000
" Navy,		500,000
		" 1,500,000

" And even this sum is fifteen times greater than the expences
" of Government are in America; and it is also greater than
" the whole peace establishment of England amounted to about
" an hundred years ago. So much has the weight and op-
" pression of taxes encreased since the Revolution, and especially
" since the year 1714.

" To shew that the sum of 500,000l. is sufficient to defray
" all the civil expences of Government, I have, in that work,
" annexed the following estimate for any country of the same
" extent as England.

" In the first place, three hundred Representatives, fairly
" elected, are sufficient for all the purposes to which Legislation
" can apply, and preferable to a larger number.

" If then an allowance, at the rate of five hundred pounds
" per ann. be made to every Representative, deducting for non-
" attendance, the expence, if the whole number attended six
" months each year, would be - - - - 75,000

" The Official Departments could not possibly exceed
" the following number with the salaries annexed,
" viz.

" Three offices,	at	10,000l. each,	30,000
" Ten ditto,	at	5,000l. each,	50,000
" Twenty ditto,	at	2,000l. each,	40,000
" Forty ditto,	at	1,000l. each,	40,000
" Two hundred ditto,	at	500l. each,	100,000
" Three hundred ditto,	at	200l. each,	60,200
" Five hundred ditto,	at	100l. each,	50,000
" Seven hundred ditto,	at	75l. each,	52,500
			" £. 497,500

" If

"In a nation chose, it might deduct four per cent from all "the offices, and make one of twenty thousand pounds per "annum, and stile the person who should fill it, King, or Ma-"jesty, or Madjesty, or give him any other title.

"Taking, however, this sum of one million and an half, as "an abundant supply for all the expences of Government un-"der any form whatever, there will remain a surplus of nearly "six million and a half out of the present Taxes, after paying "the interest of the National Debt; and I have shewn in the "Second Part of *Rights of Man*, what appears to me, the best "mode of applying the surplus money; for I am now speak-"ing of expences and savings, and not of systems of Govern-"ment.

"I have, in the first place, estimated the poor-rates at two "millions annually, and shewn that the first effectual step "would be to abolish the poor-rates entirely, (which would be "a saving of two millions to the house-keepers) and to remit "four millions out of the surplus taxes to the poor, to be paid "to them in money in proportion to the number of children in "each family, and the number of aged persons.

"I have estimated the number of persons of both sexes, in "England of fifty years of age and upwards at 420,000, and "have taken one third of this number, viz. 140,000, to be poor "people.

"To save long calculations, I have taken 70,000 of them "to be upwards of fifty years of age and under sixty, and the "other to be sixty years and upwards; and to allow six pounds "per ann. to the former class, and ten pounds per annum, to "the latter. The expence of which will be;

"Seventy thousand persons at 6l. per ann. -	420,000
"Seventy thousand persons at 10l. per ann. -	700,000
	"£. 1,120,000

"There will then remain of the four millions 2,880,000l. I "have stated two different methods of appropriating this mo-"ney. The one is to pay it in proportion to the number of

"children

" children in each family at the rate of three or four pounds " per ann. for each child; the other is, to apportion it accord- " ing to the expence of living in different counties; but in " either of these cases it would, together with the allowance " made to the aged, completely take off taxes from one third of " all the families in England, besides relieving all the other " families from the burthen of poor-rates.

" The whole number of families in England, lotting five " souls to each family, is one million four hundred thousand, of " which I take one third, viz. 466,666, to be poor families " who now pay four million of taxes, and that the poorest " pays at least four guineas a year; and that the other thirteen " millions are paid by the other two thirds. The plan, there- " fore, as stated in the work is, first, to remit, or repay, as is " already stated, this sum of four millions to the poor, because " it is impossible to separate them from the others in the present " mode of collecting taxes on articles of consumption; and " secondly, to abolish the poor-rates, the house and window-light " tax, and to change the Commutation Tax into a progressive " Tax on large estates, the particulars of all which are set forth " in the work, and to which I desire Mr. ADAM to refer for " particulars. I shall here content myself with saying, that to " a town of the population of Manchester, it will make a dif- " ference in its favour, compared with the present state of " things, of upwards of fifty thousand pounds annually, and so " in proportion to all other places throughout the nation. This " certainly is of more consequence, than that the same sums " should be collected to be afterwards spent by riotous and pro- " fligate courtiers, and in nightly revels at the Star and Garter " Tavern, Pall Mall.

" I will conclude this part of my letter with an extract from " the Second Part of *Rights of Man*, which Mr. DUNDAS (a " man rolling in luxury at the expence of the Nation) has " branded with the epithet of 'wicked.'

" By the operation of this plan, the poor laws, those instru- " ments of civil torture, will be superceded, and the wasteful " expence of litigation prevented. The hearts of the humane

" will

" will not be furnished by ragged and hungry children, and per-
" sons of seventy and eighty years of age begging for bread.
" The dying poor will not be dragged from place to place, to
" breathe their last, as a reproach of parish upon parish. Wi-
" dows will have a maintenance for their children, and not be
" carted away, on the death of their husbands, like culprits and
" criminals, and children will no longer be considered as en-
" creasing the distresses of their parents. The haunts of the
" wretched will be known, because it will be to their advan-
" tage, and the number of petty crimes, the offspring of poverty
" and distress, will be lessened. The poor, as well as the rich,
" will then be interested in the support of Government, and the
" cause and apprehension of riots and tumults will cease. Ye
" who sit in ease, and solace yourselves in plenty, and such
" there are in Turkey and Russia as well as in England, and
" who say to yourselves, *are we not well off?* have you thought
" of these things? When ye do, ye will cease to speak and
" feel for yourselves alone." Rights of Man, Part II. page
136.

" After the remission of four millions to trade, and the Poor
" Rates and House Window-light Tax be abolished, and the
" Commutation Tax changed, there will still remain nearly
" one million and an half of surplus Taxes; and as by an
" alliance between England, France, and America, armies
" and navies will, in a great measure, be rendered unnecessary,
" and as men who have either been brought up in, or long
" habited to these lines of life, are still citizens of a nation in
" common with the rest, and have a right to participate in all
" plans of National benefit, it is stated in that work (Rights of
" Man, Part II.) to apply annually 507,000l. out of the surplus
" taxes to this purpose in the following manner:

" To fifteen thousand disbanded soldiers, 3s. per week
" each (clear of deductions) during life 117,000
" Additional pay to the remaining soldiers per ann. . . 19,500
" To the officers of the disbanded corps, during life,
" the same sum of 175,000

" To

" To sixteen thousand disbanded sailors 3s. per week	
" during life	117,000
" Additional pay to the remaining sailors	19,500
" To the officers of the disbanded part of the Navy	
" during life	117,000
	£. 507,000

" The limits to which it is proper to confine this Letter, " will not admit of my entering into further particulars. I ad- " dress it to Mr. DUNDAS because he took the lead in the de- " bate, and he wishes, I suppose, to appear conspicuous; but " the purpose of it is to justify myself from the charge which " Mr. ADAM has made.

" This Gentleman, as has been observed in the beginning of " this Letter, considers the writings of HARRINGTON, MORE, " and HUME, as justifiable and legal Publications, because they " reasoned by comparison, though in so doing they shewed plans " and systems of Government, not only different from, but pre- " ferable to, that of England; and he accuses me of endeavour- " ing to confuse, instead of producing a system in the room of " that which I had reasoned against; whereas the fact is, that " I have not only reasoned by comparison of the Representative " against the Hereditary System, but I have gone further; for I " have produced an instance of a Government established en- " tirely on the Representative system, under which much greater " happiness is enjoyed, much fewer Taxes required, and much " higher credit is established, than under the system of Govern- " ment in England. The funds in England have risen since " the war only, from 54l. to 97l. and they have been down, " since the Proclamation, to 87l. whereas the Funds in America " rose in the mean time from 10l. to 120l.

" His charge against me of " destroying every principle of " subordination," is equally as groundless, which even a single " paragraph from the work will prove, and which I shall here " quote:

" For-

" Formerly, when diviſions aroſe reſpecting Governments, re-
" courſe was had to the ſword, and a civil-war enſued. That
" ſavage cuſtom is exploded by the new ſyſtem, and *recourſe is*
" *had to a National Convention.* Diſcuſſion, and the general
" will, arbitrates the queſtion, and to this, private opinion yields
" with a good grace, and *order is preſerved uninterrupted.*"—
" Rights of Man, Part II. p. 173.

" That two different charges ſhould be brought at the ſame
" time, the one by a Member of the Legiſlature for *not* doing
" a certain thing, and the other by the Attorney-General for
" *doing* it, is a ſtrange jumble of contradictions. I have now
" juſtified myſelf, or the work rather, againſt the firſt, by ſtating
" the caſe in this letter, and the juſtification of the other will be
" undertaken in its proper place. But in any caſe the work will
" go on.

" I ſhall now conclude this Letter, with ſaying, that the
" only objection I found againſt the plan, and principles con-
" tained in the Second Part of *Rights of Man* when I had
" written the book, was, that they would beneficially intereſt at
" leaſt ninety-nine perſons out of every hundred throughout the
" nation, and therefore would not leave ſufficient room for men to
" act from the direct and diſintereſted principle of honour; but
" the proſecution now commenced has fortunately removed that
" objection, and the approvers and protectors of that work now
" feel the immediate impulſe of honour, added to that of Na-
" tional Intereſt.

" I am, Mr. DUNDAS,

" Not your obedient humble Servant,

" But the contrary,

" THOMAS PAINE."

Mr. Law. On the 6th of July there is an entry of ſix mem-
bers of the Correſponding Society, who were propoſed to be aſ-
ſociated members, and they were elected on the 13th.

(The entry of the 13th of July read.)

[*Vide Hardy's Vol.* 1, *page* 417.]

Mr.

Mr. Attorney General. I am now going to read a letter from Mr. Hardy to Mr. Tooke, found among Mr. Tooke's papers, giving him an account of the progreſs of the London Correſponding Society.

James Thornton (called again.)

Mr. Law. You are a clerk, I believe, in the Police Office, in Marlborough-ſtreet?

A. Yes.

Q. Look at this letter, is it marked by you?

A. Yes.

Q. Where did you find it?

A. In Mr. Horne Tooke's houſe.

(It was read.)

"SIR,

"I will eſteem it a particular favour if you can recollect "to bring in your pocket, on Friday, that letter which I lent "to you about three or four weeks ago. I am rather at a loſs to "write to that gentleman, without being in poſſeſſion of his "letter. We keep ſtill increaſing in number, knowledge, and "ſtability; and we are about to plant two more colonies next "week, which will make the 11th and 12th Diviſion. The "ſituation promiſes to be very fertile.

"*July 24th*, 1792,
"*No. 4, Taylor's Build-*
"*ings, Chandos-ſtreet,*
"*Covent Garden.*"

"I am, Sir,
"with great reſpect,
"your moſt humble
"ſervant,
"THOMAS HARDY.

Mr. Attorney General. I am now going to give in evidence a letter, dated the 8th of Auguſt, 1792, from Thomas Hardy to Mr. Tooke, found in poſſeſſion of Mr. Tooke, deſiring him to reviſe an addreſs of the London Correſponding Society, and deſiring to have his opinion whether it was proper he ſhould ſend a copy to the Secretary of the Conſtitutional Society.

John

John Thompson (called again.)

Mr. Law. Where did you find this letter?

A. In Mr. Horne Tooke's house, at Wimbledon.

(*It was read.*)

"SIR,

"I take the liberty of sending you a proof copy of the Address to the Public, from the London Corresponding Society, and hope it will merit your attention, and in some measure your approbation—shall be exceedingly happy to be favoured with your opinion of it before we print it, which we expect to do before Monday.

"Is it proper to send a copy to the Secretary of the London Constitutional Society next week, as that Society does not meet before the last Friday of September.

"*August 8th*, 1792, "I am, Sir, with great respect
"*No. 4, Taylor's Buildings*, "your most obedient
"*Chandos-street, Covent* "humble servant,
"*Garden.*" "THOMAS HARDY."

Addressed "*John Horne Tooke, Esq.*"

John Thompson.

Cross-examined by *Mr. Tooke.*

Q. Where did you find that letter?

A. I cannot exactly say what part of the house I found it in.

Q. Did you find it yourself, or did any other person give it you?

A. I picked it out myself; I shewed it to Mr. Ford, and Mr. Ford told me to mark it.

Q. Did you attend Mr. Ford in search of my papers?

A. I did.

Q. And you did not pick them out, but he did?

A. He sat at the table writing, I picked them out and gave them to him, and he looked them over.

Q. Who

Q. Who elſe was there?

A. Thornton.—What I picked out and gave him, and he thought neceſſary to mark, I marked them.

Q. Did you take all the papers, that were marked, in my houſe?

A. No; I gave them to Mr. Ford, when he looked them over he gave them to me.

Q. There was another witneſs called juſt now to prove ſome other paper or letter found in my houſe; it is not that I want to conteſt them being found in my houſe, but what I wanted to know is, how one gentleman comes to have a warrant to take my papers, and then a number of perſons are called to prove they were there.—Had you a warrant to take my papers?

A. No.

Q. I want to know what this kind of ſeizure of papers is; it is of ſome conſequence to know, becauſe, if a troop of police officers are let into a man's houſe, the papers that are produced will not be the papers that were found in the houſe?

A. Mr. Froſt was there, and ſaw every thing that was taken, and ſo was Mr. Vaughan.

Q. Did they take any of the papers?

A. No.

Q. Can you tell me how many papers were taken?

A. No.

Q. You were not the only man that took papers?

A. No; Mr. Thornton had ſome.

Q. Was there any body beſides you and Thornton who had any of my papers?

A. No other perſons but Mr. Thornton and myſelf, that I know at preſent.

Mr. Tooke. There are more papers in my houſe than a man could read in a year.

Mr. Attorney General. When you and Thornton took the papers, you ſay, Mr. Froſt and Mr. Vaughan were preſent?

A. They were.

Q. Did they ſee all the papers that were taken?

A. I am pretty certain Mr. Vaughan took a liſt of all the papers—they were all put down upon a paper.

Mr. Tooke. You belong to the Police Office?

A. I am one of the Clerks at the Office in Whitechapel.

Q. And can you ſwear that Mr. Vaughan ſaw all the papers that were taken?

A. There were two liſts taken, one by Mr. Ford, the other by Mr. Vaughan.

Q. I aſk you, whether you ſuppoſe Mr. Vaughan to be poſſeſſed of ſuch ſenſes, as can determine what another man does, or have you ſuch ſenſes that you can tell what he ſaw?

A. All the papers I took I preſented to Mr. Ford, and Mr. Vaughan, ſitting together, and I underſtood them all to be taken down by Mr. Vaughan, there was then another copy made of that which was given to Mr. Vaughan by Mr. Ford, I believe.

Mr. Attorney General. Perhaps you know whether Mr. Vaughan and Mr. Froſt were there by appointment?

A. I underſtood ſo.

Q. You do not know the fact?

A. No.

Mr. Attorney General. I am now going to read a paper likewiſe found in the cuſtody of Mr. Tooke, which is a letter from Margarot, who became one of the aſſociated members, to Mr. Tooke, deſiring his advice and opinion about an addreſs to the National Convention of France, dated the 15th of September 1792.

Mr. Attorney General (*to Thornton*) Where did you find that paper?

A. In Mr. Horne Tooke's houſe, at Wimbledon.

(*It was read.*)

" M. Margarot wiſhes to ſubmit to Mr. Horne Tooke's " conſideration, whether a plan might not be adopted for obtain- " ing the aſſent of all the different Societies throughout the " nation, to an animated (but ſafe) declaration, aſſuring the " French that we entertain the moſt friendly diſpoſitions, &c. " &c.

" &c. towards them; and that we will, to the utmoſt of our " power, diſcountenance all hoſtile attempts on the part of the " Miniſtry, ſhould the latter be baſe enough to forfeit the na- " tions pledged faith of neutrality.

" M. M. conceives ſuch a meaſure will prove more uſeful " than a partial, and, perhaps, comparatively ſpeaking, an in- " conſiderable ſubſcription, which would, however, be no ways " impeded thereby, a ſimilar declaration would certainly quiet " their jealouſies with regard to the Engliſh; and would encou- " rage them in their arduous ſtruggle, while the numbers of " well-wiſhers to their cauſe, who might come forward here " with only their ſignatures to the declaration, would give a " moſt ſevere check to all open or even under handed miniſte- " rial attempts.

" *Saturday*, 15*th. September*, 1792,
" *No.* 10, *High-ſtreet*, *Marybone.*"

Addreſſed " —— *Horne Tooke*, *Eſq.*"

Mr. Attorney General. The next is a letter, dated the next day, September 16th, 1792, from Mr. Hardy to Mr. Tooke, upon the ſame ſubject, found in Mr. Tooke's houſe at the ſame time.

Mr. Thornton. I found this paper in Mr. Tooke's houſe.

James Thornton,

Croſs-examined by *Mr. Tooke.*

Q. Did you read that letter which has juſt now been read?

A. I think not.

Q. But you are not ſure?

A. Some I careleſsly looked over.

Q. If you looked that over careleſsly, when you read that part recommending an attempt to quiet the jealouſies of the French, did you not think that the adminiſtration of this day would have been very glad if it had ſucceeded?

A. I have no recollection, at preſent, whether I did read it.

Mr. Bower. What the witneſs thought at the time, I object to his being aſked, for the ſake of common precedent—it is a great deal too much to aſk a witneſs who has ſeized papers, what he thought, upon looking at thoſe papers, might be the opinion of other people; it has not the colour or ſemblance of a queſtion, and that the priſoner muſt know perfectly well.

Mr. Tooke. If I am wrong I will take the firſt hint of a correction from your Lordſhip; but I hope you will think that a man whoſe papers are ſo ſeized has a right to make a little enquiry after their contents; I proteſt I forgot them a great while ago, they are letters found in my houſe ſent from other perſons, and it not being declared whether I did any thing in conſequence of thoſe recommendations—I believe I have rather made an obſervation out of the courſe of examination——

Lord Chief Juſtice Eyre. It is an obſervation put into the ſhape of a queſtion.

Mr. Tooke. I believe it was ſo—it ſtruck me that the adminiſtration might now poſſibly wiſh that thoſe men who wiſhed to quiet the jealouſies of the French had ſucceeded—but it ſtruck me at the moment that it was improper.

(*The Letter was read.*)

"SIR,

"Mr. Margarot would be glad to know your opinion of that "propoſition he has ſubmitted to your judgment, I think with "him that it would have a good effect, at the ſame time the "ſubſcription to go on as it now does, ten or twenty thouſand "ſignatures would have more weight than as many thouſand "pounds, for ten men might ſubſcribe that ſum.

"*September* 16, 1792, "I am, Sir, with great reſpect,
"*No.* 9, *Piccadilly.*" "your moſt humble ſervant,
"THOMAS HARDY."

Addreſſed "*John Horne Tooke, Eſq. Richmond Buildings.*"

(*The following entries were read from the books of the Society for Conſtitutional Information.*)

"At

" At a meeting of the Society held at the Crown and Anchor " Tavern, Strand, Friday, September 28th, 1792."

[*Vide Hardy's Trial, vol. ii. page 7.*]

" At a meeting of the Society held at the Crown and Anchor " Tavern, Strand, on Friday, October 5th, 1792."

[*Vide Hardy's Trial, vol.* ii. *page* 30.]

Mr. Attorney General. Your Lordſhip obſerves, that by the entry which was made upon the 28th of September, it is reſolved, that the Secretary ſhall expreſs the thanks of the Conſtitutional Society to the London Correſponding Society for their communication, and acquaint them that this Society do very highly approve of their intention.—I am now going to prove a letter from Mr. Adams, the Secretary of the former Society, to Mr. Hardy, the Secretary of the other Society, which conveys that approbation.

Mr. Lauzun. This is one of the letters I found in Mr. Hardy's houſe.

(*The Letter was read.*)

" DEAR SIR,

" Your letter of the 21ſt September, was read to the Society " for Conſtitutional Information laſt Friday, and I am deſired " to expreſs their thanks to the London Correſponding Society " for their communication, and to acquaint them that the So- " ciety do very highly approve of their intention.

" I am, Dear Sir, your much obliged

" *Tooke's-court, 3d October,* " humble ſervant,

" 1792." " D. ADAMS, Secretary."

" *Mr. Hardy, Secretary to the London Correſponding Society.*"

Mr. Attorney General. Your Lordſhip recollects, that in a letter which has been read in evidence, dated the 8th of Auguſt, Mr. Hardy ſays he had ſent a proof copy of the Addreſs of the London Correſponding Society. I now produce the Addreſs of

the Corresponding Society, dated the 6th of Auguſt, which was found in the poſſeſſion of Mr. Hardy.

Mr. Lauzun. This is one of the pamphlets I found in Mr. Hardy's houſe.

(It was read.)

[*Vide Hardy's Trial, vol.* 1, *page* 214.]

(The following entry was read from the books of the Society for Conſtitutional Information.)

"At a meeting of the Society held at the Crown and Anchor Tavern, Strand, Friday, 12th October, 1792."

[*Vide Hardy's Trial, vol.* 2, *pages* 32 *and* 48.]

Mr. Attorney General. Here is the original letter, ſigned Margarot and Hardy, of which the letter that has now been read is a copy.—Mr. Maclean, did you find this paper?

Mr. Maclean. I found this paper at Mr. Adams's.

Mr. Attorney General. It is exactly the ſame.

(The following entries were read from the books of the Society for Conſtitutional Information.)

"At a meeting of the Society held at the Crown and Anchor Tavern, Strand, on Friday, October 19th, 1792."

[*Vide Hardy's Trial, vol.* 2, *page* 52.]

"At a meeting of the Society held at the Crown and Anchor Tavern, Strand, Friday, October 26th, 1792."

[*Vide Hardy's Trial, vol.* 2, *page* 54.]

"At a meeting of the Society held at the Crown and Anchor Tavern, Strand, Friday, November 2d, 1792."

[*Vide Hardy's Trial, vol.* 2, *page* 55.]

"At

" At a meeting of the Society held at the Crown and Anchor " Tavern, Strand, Friday, November 9th, 1792."

[*Vide Hardy's Trial, vol.* 2, *page* 56.]

Mr. Attorney General. I will now produce a letter from Barlow and Froſt, who appear to have gone over to France for the purpoſe of preſenting this Addreſs, ſtating what had paſſed on preſenting it, between them and the Preſident of the National Convention.

Mr. Maclean. I found theſe papers in the poſſeſſion of Mr. Adams.

(It was read.)

[*Vide Hardy's Trial, vol.* 2, *page* 60.]

Mr. Attorney General. I am now going to read their Addreſs to the National Convention.

(It was read.)

[*Vide Hardy's Trial, vol.* 2, *page* 60.]

Mr. Attorney General. This paper is the tranſlation of the Preſident's anſwer.

(It was read.)

[*Vide Hardy's Trial, vol.* 2, *page* 61.]

Mr. Thornton. I found theſe two papers in Mr. Horne Tooke's houſe at Wimbledon.

Q. (to Mr. William Woodfall) Whoſe hand-writing do you believe theſe to be?

A. Both of them Mr. Tooke's hand-writing.

Mr. Tooke. They are my hand-writing.

(They were read.)

" Tranſlation of the draught of an Addreſs to the Preſident of the " French Convention."

[*Vide Hardy's Trial, vol. 2, page 74.*]

" Draught of a letter from Mr. Tooke to the Mayor of Paris."

[*Vide Hardy's Trial, vol. 2, page 72.*]

One of the Jury. What is the date of that letter?

Mr. Shelton. It has no date.

Mr. Erſkine. But it was before the commencement of the war, becauſe it was before Mr. Froſt went to Paris.

Mr. Thornton. I found this paper in Mr. Horne Tooke's houſe at Wimbledon.

Q. (*to Mr. William Woodfall*) Here is a memorandum of when this paper was received—Whoſe hand-writing is that?

A. The words " Received at Wimbledon, Wedneſday, Oc- " tober 9th," I take to be Mr. Horne Tooke's.

Mr. Tooke. Yes, they are mine.

(*A letter, ſigned " Petion," addreſſed to the " Society of the " Friends of the Revolution," dated " 6th October, firſt year " of the French Republic," read.*)

[*Vide Hardy's Trial, vol. 2, page 73.*]

(*The following entry was read from the books of the Society for Conſtitutional Information.*)

" At a meeting of the Society for Conſtitutional Information, " held at the Crown and Anchor Tavern, Strand, Friday, " December 14th, 1792."

[*Vide Hardy's Trial, vol. 2, page 62.*]

Mr. Solicitor General (*to Mr. Maclean.*) Where did you find that paper?

A. In

A. In the poſſeſſion of Mr. Adams.

Mr. Solicitor General. This is a Letter from the Society of the Friends of Liberty and Equality, ſitting at Laôn, to the Society for Conſtitutional Information.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 2, *page* 65.]

(*The following entry was read from the books of the Society for Conſtitutional Information.*)

" At a meeting of the Society for Conſtitutional Information, " held at the Crown and Anchor Tavern, Friday, 21ſt of " December, 1792.

" PRESENT,

" Mr. Reader in the chair,

" Mr. Sharpe, Mr. Hull, Mr. Bonney, Mr. John Martin, Mr. " Parkinſon, Mr. Holcroft, Mr. H. Tooke, Mr. Williams, " Mr. Sinclair, Mr. Hardy, Mr. Gerald, Mr. Kyd, Mr. " Chatfield, Mr. Fitzgerald, Mr. Banks, Mr. Wills, Mr. " Jennings, Mr. G. Williams, Mr. Wardle, Mr. White, " Mr. Baily, Mr. Cooper, Mr. Moore, Lord Sempill, Mr. " Turnbull.

" Read the following letter from the Society of the Friends " of Liberty and Equality at Macon in the Department of " the Saone and the Loire.

" Ordered, That the ſame be entered in the minutes of this " Society."

" Reſolved, That Mr. H. Tooke, Mr. Moore, Mr. White, " Lord Sempill, Mr. Gerald, Mr. Kyd, Mr. Reader, Mr. " Fitzgerald, and Mr. Bonney, be a Committee for Foreign " Correſpondence."

" Reſolved, That the letter from the ſaid Society be referred " to the Committee of Foreign Correſpondence."

" Ordered, That the Proceedings of the Committee of Fo- " reign Correſpondence be entered in a ſeparate book."

" Reſolved,

" Reſolved, That the ſaid Committee meet at this place at " half paſt three o'clock on the day of the next meeting of the " Society."

Mr. Attorney General. I am now going to an entry of the 5th of October, 1792, which ſtates, that a letter was received from Mr. Joel Barlow, communicating to the Conſtitutional Society his book, entitled, " A letter to the National Convention of France."

Mr. Erſkine. That was alſo read upon Mr. Hardy's trial.

Mr. Attorney General. It was.

(The following entries were read from the books of the Society for Conſtitutional Information.)

" At a meeting of the Society, October 5th, 1792."

[*Vide Hardy's Trial, vol.* 2, *page* 30.]

" At a meeting of the Society, October 12th, 1792."

[*Vide Hardy's Trial, vol.* 2, *page* 32.]

Mr. Joſeph Johnſon, (ſworn)

Examined by *Mr. Bower.*

Q. You are a Bookſeller?

A. Yes.

Q. Be ſo good as look at that book, which was ſhewn to you laſt week, did you print and publiſh that?

A. I printed a book with this title.

Q. That book which you ſaw laſt week?

A. I cannot tell whether it is the ſame, or no; it has the appearance of it?

Q. Did you publiſh a book of that kind, and who did you publiſh it for?

A. I printed it at the requeſt of the author.

Q. By

Q. By the author, do you mean Joel Barlow?

A. Yes.

Q. You were employed by him as his printer?

A. Yes.

Q. And you believe that to be the book you printed?

A. It has all the appearance of it; I could not tell without I read it.

Q. Do you know of any other book of that appearance, beſides that which was publiſhed by yourſelf?

A. No.

(*Extracts read from a Letter to the National Convention of France, on the defects of the Conſtitution of* 1791, *and the extent of the amendments which ought to be applied, by Joel Barlow, Eſq. Author of Advice to the Privileged Orders.*)

[*Vide Hardy's Trial, vol.* 2. *page* 35.]

(*The following entry was read from the book of the Society for Conſtitutional Information.*)

"At a meeting of the Society held at the Crown and Anchor, "Friday, October 19th, 1792."

[*Vide Hardy's Trial, vol.* 2. *page* 52.]

Mr. Attorney General. This your Lordſhip obſerves is an approbation of that letter, and an order for it to be publiſhed. Mr. Adams, in his account, charges for the publication of Joel Barlow's letter in the different newſpapers.

The next is a letter from perſons ſtyling themſelves the Editors of the Patriot.

Mr. Maclean. I found this among Mr. Adams's papers.

(*It was read.*)

"SIR, "*Sheffield, 15th October,* 1792.

"In conſequence of a hint from your Society, that ſmall "and cheap publications would be of great benefit towards

" enlightening the public mind in political information, we
" ſome time ago ſet on foot a periodical work, the Patriot, and
" we took the liberty about three months ſince to tranſmit you
" ſuch numbers as were then publiſhed, entreating your pe-
" ruſal of them, and after that your candid opinion as to the
" matter contained therein, and any hints which you might
" pleaſe to think would add to its public utility, and contribute
" to its improvement; conſidering ourſelves as acting upon
" principles alone, joined to an ardent deſire to forward and
" promote the intereſts of the great cauſe of freedom, and that
" we were doing what your Society had expreſsly recommended,
" we flattered ourſelves we might make this requeſt, and that it
" would not have been thought unreaſonable; and as we convey-
" ed our ſentiments in terms of the greateſt reſpect and deference
" to the ſuperiority of abilities which you have to boaſt, being
" united in your honourable body, we thought that the com-
" mon civility which, on ſuch occaſions, actuates men, even
" *differing in opinions*, and at variance with each other, would
" have inſured us an anſwer; we have been deceived, our efforts
" to ſerve the cauſe appear to your Society, it would ſeem, de-
" ſerving no other notice than ſilence and contempt; this we
" are ſomething ſurprized at, as in a cauſe *like this*, a good
" *intention* only *we* think deſerves to be commended. We
" are perfectly aware of, and rejoice to reflect on the ſplendid
" talents which ornament your Society, and are convinced that
" any thing we can write muſt appear to ſome amongſt you
" very trifling and puny efforts; but to do our beſt is as much
" as is allotted to man, *non omnia poſſumus omnes*, and we
" cannot forget, while we contemplate the magnificent ſplendour
" of the ſun, that, when deprived of his enlivening light, we
" find ourſelves highly indebted to the ſmall and feeble glim-
" mering of a taper; we avowed that our work was intended
" to impreſs its contents on the great body of the people; we
" pretended not to any originality further than the work itſelf,
" dedicated ſolely to purpoſes never before attempted; and as
" to ſuperior excellence, we had not the vanity to lay claim to
" any; we looked for no compliments, we only wiſhed for

" advice,

" advice, and certainly approbation, where it might be deem-
" ed by you to be due, would have been highly gratifying
" to us.

" Difappointed in all our expectations, it may perhaps appear
" odd and extraordinary that we ſhould trouble you again;
" feeling as men, and we hope poſſeſſed of the laudable and
" proper ſpirit of *Gentlmen*, did we act on the impulſe of
" punctilio and etiquette only, we ſhould in all likelihood con-
" ſider our pens as tied up, but as volunteers in the moſt glo-
" rious cauſe which can animate and actuate the minds of men,
" we ſhake off the feeble fetters of ceremonious exactneſs, and
" once more preſent ourſelves to your notice, as zealous ſup-
" porters of thoſe rights of man, of which we are happy to ſee
" your Society ſo worthily placed at the head.

" Within a few days paſt we have received a letter from the
" Secretary of a Society intended to be eſtabliſhed at Stockport,
" which we think it neceſſary to ſubmit to your inſpection, and
" have accordingly ſent it herewith; your Society will find
" thereby what unjuſtifiable means are adopted by the enemies
" to reform, and the friends and tools of arbitrary power, to pre-
" vent the increaſe of thoſe Societies, and to cruſh and anni-
" hilate our efforts in their bud; we thought it prudent and
" neceſſary to anſwer the letter immediately, and to give them
" ſuch encouragement as our feeble talents will permit; that
" we alſo ſubmit to your conſideration in the copy of the letter
" to Mr. Andrews, which accompanies his to us; we cannot
" help reflecting that unleſs the friends to reform ſtand by and
" ſuccour each other, they cannot hope for ſucceſs; and we
" therefore indulge ourſelves with the hope, that your So-
" ciety will think this Society at Stockport deſerving their
" attention, and give them their ſanction, advice and ſupport.

" Having done this, we have ſatisfied our conſciences, and
" haſten to conclude, only requeſting leave to add, that in ad-
" dreſſing our laſt letter to your Society, we proteſt that we
" had no idea we ſhould give offence; we are thoroughly con-
" vinced nothing but the moſt perfect and general unanimity
" can ever entitle the friends of freedom to expect ſucceſs

" againſt

" againſt the formidable hoſt of enemies with which they " have to contend; under this conviction we have cauſed " our feelings as men to give place to our duties as *Ci-* " *tizens*; on every future occaſion that may offer, we ſhall " take care to give your Society the earlieſt information of " any matter ariſing within our knowledge, which we think " may be important and neceſſary for them to be made ac- " quainted with, for the general good; at the ſame time aſſur- " ing you, that from ourſelves, and on our own account, you " need not be under apprehenſion of any further intruſion; we " would indeed aſk pardon for that we have already made, only " that we conceive, according to every fair criterion of judg- " ment, we may juſtly ſay the crime has carried the puniſhment " along with it.

" We are, &c.

" With great reſpect, Fellow-citizens,

" Yours moſt ſincerely as ſuch,

" THE EDITORS OF THE PATRIOT."

Addreſſed, " *D. Adams, Eſq. Secretary to the Society for Con-* " *ſtitutional Information, Tooke's-court, Chancery-lane, London.*"

Mr. Bower. We will now read a letter that was incloſed in the letter which has been juſt read.

Mr. Maclean. I found this among Mr. Adams's papers.

(It was read.)

[*Vide Hardy's Trial, vol. 3. page* 102.]

(*The following entries were read from the books of the Society for Conſtitutional Information.*)

" At a meeting of the Society for Conſtitutional Information, " held at the Crown and Anchor Tavern, Strand, Friday, No- " vember 2, 1792,

" PRESENT,

" Mr. Froſt, in the chair.

" Mr. Tooke, Mr. Boſville, Mr. Walſh, Dr. Edwards, Mr. " Bonney, M. I. Martin, Mr. Sturch, Mr. Sharpe, Mr. " Geddis,

" Geddis, Colonel Keating, Mr. Rae, Mr. Bakewell, Mr.
" Joyce, Mr. Barlow, Mr. Johnſon, Mr. Sinclair, Mr. Hol-
" croft, Mr. Williams, Mr. Hind, Mr. Tuffin, Mr. M.
" Buſh, Mr. G. Williams, Mr. Aſpinal, Mr. Fitzgerald.

" The Secretary read the letter from the Editor of the Pa-
" triot, at Sheffield."

" Reſolved, That a Committee of Correſpondence be ap-
" pointed to conſider of and prepare anſwers to all ſuch letters
" as are, or may be ſent to this Society."

" Reſolved, That Mr. Sturch, Mr. Joyce, Mr. Adams, Mr.
" Froſt, Mr. Bonney, and Mr. Holcroft, compoſe the ſaid Com-
" mittee."

" Ordered, That the two letters ſent to this Society, from the
" Editor of the Patriot, at Sheffield, be referred to the ſaid
" Committee."

" At a meeting of the Society for Conſtitutional Information,
" held at the Crown and Anchor Tavern, Strand, Friday, 9th
" November, 1792,

" PRESENT,

" Lord Sempill in the chair.

" Mr. Boſville, Mr. Rae, Mr. Hull, Mr. Sharpe, Mr. Jen-
" nings, Mr. Sutton, Mr. Froſt, Mr. Tooke, Mr. Sturch,
" Colonel Keating, Mr. Holcroft, Mr. Barlow, Mr. Tuffin,
" Mr. Sinclair, Mr. Margarot, Mr. Watts, Mr. Richter,
" Mr. Littlejohn, Captain Perry, Mr. John Martin, Mr.
" Banks, Mr. Williams, Mr. Geddes, Mr. Fitzgerald, Mr.
" Parkinſon, Mr. Gerald, Mr. Rickman, Mr. Buſh, jun.
" Mr. Lockhart, Mr. Moore.

" Read the report of the Committee of Correſpondence.

" A letter was produced by them, and read, in anſwer to
" the Editors of the Patriot, to which an amendment was
" moved, and ſeconded, and the queſtion being put thereon,
" was carried in the affirmative, and ordered that the Secretary
" ſend the ſaid letter to the Editor of the Patriot, at Sheffield,
" ſigned by him in the name of this Society."

Mr.

Mr. Macleun. I found this paper in the poſſeſſion of Mr. Adams.

Q. (*to Mr. William Woodfall.*) Do you believe any part of this letter to be of Mr. Tooke's hand-writing?

A. The words "attend thoſe efforts," I believe to be Tooke's writing.

Mr. Tooke. Thoſe words are mine.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 3, *page* 107.]

Mr. Bower. Having before proved that the London Correſponding Society ſent members to be aſſociated with the London Conſtitutional Society, who were accordingly admitted, and of which members Mr. Hardy, the Secretary of the London Correſponding Society, was one. I am now going to read a letter from Stockport to Hardy, as Secretary of the London Correſponding Society.

Q. (*to Mr. Lauzun.*) Where did you find that paper?

A. I found it in Mr. Hardy's houſe.

(*Letter from Stockport, ſigned P. W. Proſt, to Mr. Thomas Hardy, indorſed upon the back, "Stockport, Friends of Univerſal Peace and the Rights of Man, received 27th of September, 1792, anſwered 11th of October, and ſent a copy of the addreſs."*) *read.*

Mr. Erſkine. Anſwered by Mr. Hardy?

Mr. Bower. Yes.

[*Vide Hardy's Trial, vol.* 2, *page* 215.]

Mr. Bower. We are now going to read a letter from Norwich.

Mr. Lauzun. I found theſe papers in Hardy's houſe.

(*Letter*

(*Letter from M. Margarot to Mr. Joseph Hedmer, Secretary to the Friends of Universal Peace and the Rights of Man Society, Stockport, dated London, October 11th, 1792, read.*)

[*Vide Hardy's Trial, vol. 1, page 217.*]

(*Letter from Norwich, to Thomas Hardy, signed George Knapp, Isaac Saint, and Anthony Caddenould, dated November 11th, 1792, read.*)

[*Vide Hardy's Trial, vol. 1, page 222.*]

(*Letter from M. Margarot, in answer to the last, dated November 26th, 1792, produced.*)

Mr. Erskine. This has been read before.

Mr. Bower. It has.

Mr. Erskine. I wish your Lordship to understand that I do not mean what I am now saying, in the shape of an objection. This paper was read against Mr. Hardy, because it was found in his possession; and it is a draft of an answer which he, Mr. Hardy, was supposed to have meditated, to send to a letter written to him, but upon what principle of law, of evidence, or of common sense, it can be read upon this occasion, I know not.

Lord Chief Justice Eyre. It was read as evidence against Mr. Hardy.

Mr. Erskine. He is not now before the Court—he is acquitted.

Lord Chief Justice Eyre. Certainly he is not; but as a person concerned in this transaction, the guilt of which is imputed to the prisoner at the bar.——

Mr. Erskine. Can your Lordship consider this as any guilt as connected with a person now acquitted?

Lord Chief Justice Eyre. His acquittal of his share makes no difference in the transaction; the Jury have thought it right to say he was not guilty: this goes to the whole general plan of

the evidence; there are two diſtinct parts, one to the general plan, the other to the particular facts.

Mr. Erſkine. I perfectly underſtand the Court: I am ſatisfied.

(*Letter ſigned M. Margarot read.*)

[*Vide Hardy's Trial, vol.* 1, *page* 224.]

Mr. Bower. This ſeems to finiſh the evidence, we offer, of the year 1792; and your Lordſhips will underſtand we are now going to read an entry from the book of the Society for Conſtitutional Information, on the 18th of January, 1793.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 2, *page* 75.]

(*A rough draft of the above entry ſhewn to Mr. William Woodfall.*)

Mr. Percival. In whoſe hand-writing are theſe words:—"A "member of the National Convention of France being conſi- "dered by us as—"?

A. I believe them to be Mr. Horne Tooke's.

Mr. Tooke. That is my hand-writing.

(*The following entries were read from the books of the Society for Conſtitutional Information.*)

"At a meeting of the Society held at the Crown and Anchor "Tavern, Friday, Jan. 25th, 1793."

[*Vide Hardy's Trial, vol.* 2, *page* 75.]

"At a meeting of the Society held at the Crown and Anchor "Tavern, Strand, Friday, February 1ſt, 1793."

[*Vide Hardy's Trial, vol.* 2, *page* 76.]

Joſeph

Joſeph Deboffe, (ſworn)

Examined by *Mr. Law*.

Q. Did you receive theſe three papers as the Moniteurs of the fourth, ſixth, and ſeventh of January, 1793?

A. Yes.

Mr. Erſkine. They are the ſame we had upon the laſt trial, I ſuppoſe?

Mr. Bower. They are.

A. Theſe are the original papers, which were imported from Paris, as I expreſſed when I was here before.

Q. Shortly after the time when they reſpectively bear date?

A. They were received within five or ſix days, I ſuppoſe, of the Paris date; they were imported as I mentioned before.

Joſeph Deboffe,

Croſs-examined by *Mr. Tooke*.

Q. Theſe three papers you ſold?

A. I cannot aſcertain whether they came out of my ſhop, or not; but, at the ſame time, I can aſcertain that they are the real Paris papers.

Q. Have you any of the Moniteur of this date?

A. I have had a great many.

Q. Did you ſell a great many?

A. I have ſold as many as I had regular ſubſcribers for: I was not in the habit of ſelling papers looſely, but ſuch Noblemen and Gentlemen as ſubſcribed regularly, I had the honour of ſerving them with regularity. I have ſold ſome hundreds, in regular connections, from the beginning of the Moniteur, down to the time when the communication was totally ſtopped.

Q. How long have you been out of priſon?

A. Me in priſon!

Q. I aſk you?

A. Never in my life.

Q. Have not you been proſecuted?

A. Never in my life.

Q. Nor threatened to be profecuted?

A. No.

Q. When were you firſt applied to to come here upon this occaſion?

A. I was ſubpœnaed to appear here.

Q. Was not you frightened?

A. I did not know what I ſhould be ſubpœnaed for.

Q. But you thought you had done no crime?

A. My conſcience is clear; I had nothing to reproach myſelf with.

Q. You thought it a ſafe thing to ſell theſe papers?

A. Yes, while the Poſt Office ſold them, and ſeveral of the ſhops ſold them, as well as me, having paid the regular duty at the Cuſtom-houſe.

Q. And others did the ſame?

A. Yes.

Q. And you never were afraid of the conſequence at all?

A. I was never. I looked upon it the law was to ſave me the ſame as every body elſe.

Q. That the law would protect you?

A. Not me in particular; if it would protect me, it would protect others; therefore, the people of the Poſt Office ſhould be puniſhed.

Mr. Tooke. You are a very honeſt man.

Mr. William Woodfall. I beg pardon for a moment; as the witneſs is a foreigner here, I beg leave, as an *amicus curiæ*, to ſay that he lived formerly with me, and is, as Mr. Tooke has laſt denominated him, a very honeſt man indeed.

(*Mr. Huſkiſſon delivered into Court Engliſh tranſlations of the extracts from the Moniteurs produced.*)

Mr. Erſkine. This is not reading any thing out of the books of the Conſtitutional Society.

Lord Chief Juſtice Eyre. They are paſſages in theſe papers which that Society recommended for peruſal.

Mr. Attorney General. And they reſolved that that reſolution ſhould be publiſhed in the newſpapers.

(*Engliſh*

(Engliſh tranſlations of extracts from the ſpeeches of Barrere, St. André, and Roland, were read.)

[Vide Hardy's Trial, vol. 2, page 179.]

(The following entries were read from the book of the Society for Conſtitutional Information.)

" At a meeting of the Society for Conſtitutional Information, " at the Crown and Anchor Tavern, Friday, 15th March, " 1793,

" PRESENT,

" Captain Tooke Harwood, in the Chair.

" Mr. Balmanno, Mr. Kydd, Mr. Tooke, Mr. Martin, Mr. " Fazacherly, Count Zenobio, Mr. Sharpe, Mr. I. Wil- " liams, Mr. Bonney, Mr. Symonds, Rev. Mr. Joyce, Mr. " Holcroft, Mr. Swainſon, Mr. Banks, Lord Sempill, Mr. " Wills, Mr. Parkinſon, Mr. Baily, Mr. Froſt, Mr. G. " Williams.

" Mr. Gay, of Duke-ſtreet, St. James's, was propoſed by " Mr. Tooke, and ſeconded by Mr. Bonney."

Mr. Tooke. Is there a Chriſtian name to that Mr. Gay?

Mr. Shelton. There is no Chriſtian name.

" Reſolved, That the thanks of this Society be given to Joel " Barlow and John Froſt, for their conduct in the preſentation " of the addreſs of this Society to the National Convention of " France; and that Mr. Froſt be aſſured that our regard for " him is not leſſened but encreaſed by the proſecutions and per- " ſecutions which his faithful and due diſcharge of that commiſ- " ſion may bring upon him."

" Ordered, That this reſolution be publiſhed in the newſ- " papers."

" At a meeting of the Society for Conſtitutional Information, " held at the Crown and Anchor Tavern, Strand, Friday, 23d " March, 1793,

" PRESENT,

" Mr. Symonds, in the chair.

" Mr. Froſt, Mr. Hull, Count Zenobio, Mr. Tooke, Mr. " Wills, Lord Sempill, Mr. Bonney, Mr. Kydd, Mr. Satchell, " Mr. John Martin, Mr. Anſell, Mr. Holcroft, Mr. Bal- " manno, Capt. T. Harwood, Mr. Parkinſon, Mr. I. Wil- " liams, Dr. Kentiſh, Mr. Margarot, Mr. Hardy.

" Read a letter from the London Correſponding Society, con- " taining their reſolutions, excluding Mr. Grant and Mr. Lit- " tlejohn from that Society; and, conſequently, that they can- " not any longer ſit in the Society for Conſtitutional Informa- " tion, as aſſociated members from the London Correſponding " Society."

" Reſolved, That the London Correſponding Society be re- " queſted to elect two members, who have their confidence, to " ſupply the places of the aſſociated members vacant by their re- " ſolution."

" Reſolved, That Mr. Margarot be requeſted to be one of " the Stewards of the anniverſary dinner."

" Mr. Margarot, being preſent, accepted the office."

" Mr. Hardy expreſſed his readineſs to accept of the office of " Steward."

" Read a letter from the United Political Societies of Nor- " wich."

" Reſolved, That the conſideration of the ſaid letter be poſt- " poned till the next meeting."

Mr. Maclean. I found this paper in the poſſeſſion of Mr. Adams.

Mr. Attorney General. This is a letter dated the 5th of March, 1793, which is mentioned in the proceedings of the Conſtitutional Society, on the 22d of March—it is a letter from the United Political Societies at Norwich, to the Conſtitutional Society in London, upon the project of a Convention.

(*The following Entries were read from the book of the Society for Conſtitutional Information:*)

"At a Meeting of the Society, at the Crown and Anchor "Tavern, Strand, Friday, March 29, 1793."

[*Vide Hardy's Trial, vol.* 2. *page* 88.]

"At a Meeting of the Society, at the Crown and Anchor "Tavern, Strand, Friday, April 5, 1793."

[*Vide Hardy's Trial, vol.* 2, *page* 88.]

"At a Meeting of the Society at the Crown and Anchor Ta-"vern, Friday, April 12, 1793."

[*Vide Hardy's Trial, vol.* 2, *page* 90.]

Mr. Attorney General. Refer back to the 29th of March, when it was deferred—was Mr. Tooke preſent then?

Mr. Shelton. He was not.

Mr. Erſkine. You mean his name is not in the book.

Mr. Attorney General. I always mean, preſent, as appears by the book—was he preſent upon the 22d, when it appears by the book to be deferred?

Mr. Shelton. Yes, he was.

Mr. Attorney General. We will now read the letter of the 5th of March, from the United Political Societies.

(*It was read:*)

[*Vide Hardy's Trial, vol.* 2, *page* 86.]

Thomas Wagſtaffe (ſworn)

Examined by *Mr. Attorney General.*

Q. Look at that paper (*ſhewing it to the witneſs.*) Did you ever find that paper in any place?

A. Yes, at Iſaac Saint's, at Norwich.

Mr. Attorney General. I will now call Maclean, to prove, that he found, in the poſſeſſion of Mr. Adams, a draft of a letter, which your Lordſhip will afterwards find is copied into this letter found at Saint's, at Norwich, by Wagſtaffe.

Mr. Maclean. I found this paper in the poſſeſſion of Mr. Adams.

(It was read.)

[*Vide Hardy's Trial, vol. 2, page 99.*]

Mr. Daniel Adams (called again.)

Mr. Attorney General. Look at that paper, is that your hand-writing, and was it ſent to Norwich, in conſequence of the reſolution of the 12th of April, 1793, which appears in your book?

A. It is my hand-writing, and it was ſent to Mr. Saint, at Norwich.

Q. Was it ſent in conſequence of a reſolution of the 12th of April, 1793—"Reſolved, That the ſaid anſwer be ſent by the "Secretary to the Secretary of the ſaid Societies."?

A. Yes.

Q. That is the letter that was written, is it?

A. It is.

Mr. Attorney General. It is a preciſe copy with the ſignature of Mr. Adams, of that draught which has been read.

I proceed now to read a letter of the 17th of May, 1793, from Margarot and Hardy, who were both aſſociated members of the Conſtitutional Society, to the Secretary of the Society of the Friends of the People, at Edinburgh.

Mr. Lauzun. This is one of the letters I found in Mr. Hardy's houſe.

(It was read.)

[*Vide Hardy's Trial, vol. 2, page 243.*]

Mr. Attorney General. This is a letter from Skirving, in anſwer to that letter, the draft of which your Lordſhips have heard read. Did you find this paper any where?

Mr.

Mr. Lauzun. I found this paper at Mr. Hardy's house.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 244.]

(*The following Entry was read from the book of the Society for Conſtitutional Information.*)

" At a Meeting of the Society for Conſtitutional Infor-
" mation, held at the Crown and Anchor Tavern, Strand,
" Friday, June 28, 1793,

" PRESENT,

" Mr. Sharpe in the chair.

" Mr. Walker (Mancheſter), Mr. Bonney, Mr. Martin, Rev.
" Mr. Joyce, Mr. Parkinſon, Mr. Chatfield, Mr. I. Wil-
" liams, Mr. Banks, Mr. Wardle, Mr. Yorke, Mr. Watts,
" Mr. Campbell, Mr. G. Williams, Mr. Margarot, Mr. I.
" H. Tooke, Dr. Redhead, Mr. Holcroft.

" Reſolved, That a Committee be appointed to prepare an
" Addreſs to the Britiſh Nation."

" Reſolved, That Mr. Tooke and Mr. Yorke be requeſted to
" prepare the ſaid Addreſs."

Mr. Attorney General. Having read a letter from the United Societies of Norwich, to the Conſtitutional Society in London, with their anſwer relative to a Convention, or an Addreſs to the King, I am now going to read a letter from the Political Society at Norwich, to the Secretary of the London Correſponding Society, relative to the ſame objects, meaning to read the anſwer preſently.

Q. (to Mr. Lauzun.) Where did you find theſe papers?

A. In Mr. Hardy's houſe.

(*Letter from the Political Societies at Norwich, to the Secretary of the London Corresponding Society; endorſed, received the* 25*th June*, 1793, *read.*)

[*Vide Hardy's Trial, vol.* 1, *page* 248.

Mr. Attorney General. I will now read the draft of an anſwer to the laſt letter from Margarot and Hardy, dated the 25th of July, 1793.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 250.]

Mr. Maclean. I found this paper in the poſſeſſion of Mr. Adams.

Mr. Attorney General. This is a letter from Calender, at Edinburgh, to Hardy, dated October 5, 1793.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 263.]

(*The following entries were read from the books of the Society for Conſtitutional Information.*)

" At a meeting of the Society for Conſtitutional Information, " at the Crown and Anchor Tavern, October 25th, 1793."

[*Vide Hardy's Trial, vol.* 2. *page* 95.]

" At an extraordinary general meeting of the Society for " Conſtitutional Information, at the Crown and Anchor Tavern, " October 28th, 1793."

[*Vide Hardy's Trial, vol.* 2. *page* 97.]

Mr. Attorney General. (*to Mr. William Scott.*) Where did you find theſe papers? (*ſhewing them to the witneſs.*)

A. Among papers taken out of the cuſtody of Skirving, at Edinburgh, they are entitled, Scroll of Minutes of the Britiſh Convention.

Mr. Tooke. If I am wrong your Lordſhip will ſtop me in a minute; but if by that minute I have a chance of ſaving you an hour you will not blame me for having made the attempt.—The proſecutors have proved by their own witneſs, that though my name

name appears in the book on the 25th of October, when the motion was made for an extraordinary meeting on the 28th, that I was certainly not preſent, there being a ſtrong circumſtance which enabled the witneſs to remember my abſence on that day. On the 28th of October, he likewiſe proves that I was not preſent, and on that day my name does not, though it might, have appeared in the book, notwithſtanding my being abſent—but will it then be fit or proper that upon my trial, having firſt of all proved by their own witneſs, that I not only was abſent when this motion was made, and all that followed in conſequence of it, but that I was likewiſe exceedingly averſe from it, very angry at it, and ſuffered much abuſe in conſequence of that difference of opinion—will it be fit (perhaps it may be conſonant with the reſt of the proceeding) that thoſe very actions and meaſures, which moſt of all I diſapproved, ſhould be read to the Jury, who may, perhaps, forget that circumſtance while they are reading it, or recollect ſome unpleaſant circumſtances while it may be read.—Will it be fit that the meaſures which I appear moſt particularly and diſtinguiſhingly to diſapprove, ſhould be read to the Jury in order to criminate me?

Mr. Law. The approbation of Mr. Tooke to the meaſure of this convention, is contained in a minute of the 17th of January, 1794, when he was in the chair.

Lord Chief Juſtice Eyre. The whole plan of the Trial requires that we ſhould admit this as evidence of a part of the general tranſaction—at the ſame time it certainly will not be forgotten, that as to the particular circumſtance of ſending Delegates; in the firſt place, you were abſent when the Delegates were appointed—in the next place, as far as your opinion could be collected, you were againſt ſending thoſe Delegates, but not only will it be to be read, becauſe it makes a part of the general tranſaction charged as a conſpiracy, but it may alſo be read upon the ground laſt opened—namely, that the proceedings of that Convention were afterwards approved of in the Conſtitutional Society, and that part of the minutes may be perſonally brought home to you.

Mr. Tooke. I beg pardon then—as far as I am concerned, the reading this, and endeavouring to apply this to me, is extremely useful to me; my defence for objecting is, I did it to save the time of the Court.

Lord Chief Justice Eyre. You will do right to make every use that you can possibly make of it.

(*Extracts from the proceedings of the Convention at Edinburgh read.*)

" Convention Hall, November 23d, 1793.
" Fifth Day's Sitting."
[*Vide Hardy's Trial, vol.* 1. *page* 310.]

" Convention Hall, November 28th, 1793.
" Ninth Day's Sitting."
[*Vide Hardy's Trial, vol.* 1. *page* 319.]

" Convention Hall, first year of the British Convention,
" 29th of November, 1793.
" Tenth Day's Sitting."
[*Vide Hardy's Trial, vol.* 1. *page* 322.]

" Convention Hall, November 30th, 1793.
" Eleventh Day's Sitting."
[*Vide Hardy's Trial, vol.* 1. *page* 324.]

" Convention Hall, Monday, December 2d, 1793.
" First year of the British Convention.
" Twelfth Day's Sitting."
[*Vide Hardy's Trial, vol.* 1. *page* 326.]

" Edinburgh,

"Edinburgh, December 4th, 1793.

"Fourteenth Sitting of the Britiſh Convention."

[*Vide Hardy's Trial, vol.* 1. *page* 332.]

Mr. Erſkine. Now, do indulge us with reading that which we had before about the four pound raiſed, and the two bad ſhillings—the national bank—and alſo the manner in which the Convention was diſperſed.

Mr. Solicitor General. The proceedings of the Convention do not contain any thing about the diſperſion of the Convention.

Mr. Erſkine. It was read laſt time.

Mr. Solicitor General. What you allude to was a letter from Mr. Margarot—The money was collected, I believe, in the fourth day's ſitting.

(*It was read.*)

"Edinburgh, 21ſt November, 1793."

[*Vide Hardy's Trial, vol.* 1. *page* 305.]

(*The following entries were read from the book of the Society for Conſtitutional Information.*)

"At a meeting of the Society for Conſtitutional Information, "held at the Crown and Anchor Tavern, Strand, Friday, "January 10th, 1794.

"PRESENT,

"Mr. Banks, in the chair.

"Mr. Horne Tooke, Mr. I. Pearſon, Mr. Williams, Mr. "Bonney, Mr. Fitzgerald, Mr. Sinclair, Mr. Wills, Mr. "Hull, Count Zenobio, Mr. I. Williams, Mr. Holcroft, "Mr. Campbell, (Neckinger) Mr. Wardle, Mr. Chatfield, "Mr. Weldon, Mr. Harriſon, Mr. Parkinſon, Mr. Rutt.

"Reſolved,

" Reſolved, That the important letter received from Mr. Sin-
" clair, the Delegate from this Society to the Convention at
" Edinburgh, and the ſubſequent proceedings of that Conven-
" tion, be taken into conſideration on Friday next, and that a
" general meeting of the Society be called for that purpoſe."

" Reſolved, That the foregoing reſolution be publiſhed in the
" news-papers."

" At a meeting of the Society for Conſtitutional Information,
" at the Crown and Anchor Tavern, Strand, Friday, January
" 17th, 1794."

[*Vide Hardy's Trial, vol.* 2. *page* 101.]

Mr. Tooke. I beg that the account of the laſt meeting may be read over again, becauſe it appears ſo differently from the printed report—the only intelligence that I could poſſibly have till this moment—I beg that thoſe reſolutions may be read—when I propoſed a queſtion to my Lord Chief Juſtice, whether the proceedings of the Britiſh Convention ſhould be read—it was ſtated that an approbation would be found afterwards in the Society's books of thoſe proceedings. I do not mean to impute it to the gentleman whoever did ſo ſtate, for he might miſtake, and as I cannot recollect every thing in the books, it is not to be ſuppoſed that this gentleman, who was not in the Society, ſhould.—It was ſtated by the Counſel for the Crown, at the time I propoſed the queſtion, whether it would be fit to read the proceedings of the Britiſh Convention, ſince their own witneſſes have proved that I had nothing to do with it, but oppoſed it—it was ſtated as a reaſon for reading them, that it would afterwards appear from the books, that I, together with other members, had approved of the proceedings of the Convention.

Now theſe laſt reſolutions prove moſt clearly, from the very part of the proceedings of the Society, which was ſtated as the

reaſon

reaſon for reading the proceedings of the Britiſh Convention, that inſtead of an approbation being given by me (unleſs I have mis-heard it) it appeared that as ſoon as thoſe reſolutions came to be propoſed, Mr. Horne Tooke, who was in the chair till then, quitted the chair in the midſt of reading the reſolutions, and that Mr. Gerald took the chair, and then came the approbation of thoſe proceedings which very well might come, becauſe he was a party in thoſe proceedings.

So far from proving an approbation of the proceedings, they prove that that which was ſtated as a cauſe for reading them, ſhould not have been ſo ſtated. I beg that I may not be ſuppoſed to mean to caſt any imputation upon the gentleman, who made the miſtake, I mean no ſuch thing, leaſt of all to the gentleman whom I now underſtand to have ſtated it, for I have the utmoſt reſpect for him, and I have it for all the gentlemen. I beg thoſe reſolutions may be read over again, and then the Court and Jury will ſee that juſt before the approbation of thoſe proceedings came, I quitted the chair, and another perſon took it.

Lord Chief Juſtice Eyre. It is fit that the obſervation ſhould be made, and that the paper be read again to ſee whether it is ſounded.

Mr. Attorney General. Your Lordſhip will do me the juſtice to ſay I was not the perſon who made the obſervation—and I wiſh to add, that if I had been the perſon who made it, I certainly ſhould have made the obſervation upon a great many more proceedings than this.

Mr. Law. There is no notice taken of who was in the chair, but that Mr. Tooke was in the chair at the beginning of the meeting, and there is this reſolution—"Reſolved that we approve of the conduct of the Britiſh Convention." Upon the face of that proceeding there is nothing to induce one to believe there had been a change in the chair.

Lord Chief Juſtice Eyre. Read that again.

Mr. Solicitor General. Read the reſolutions of the 10th and the 17th.

Mr. Tooke. I call for thoſe reſolutions only of the 17th, which plainly ſhew, if books can ſhew any thing, that immediately before the reſolutions were moved approving of the proceedings of the Britiſh Convention, I inſtantly quitted the chair, in the middle of the ſtring of reſolutions, and another perſon took my place.

Lord Chief Juſtice Eyre. I wiſh that to be read that I may take a note of it.

Mr. Attorney General. I am very deſirous that it may be read.

Lord Chief Juſtice Eyre. I want to know where it is that the circumſtance of Mr. Tooke's leaving the chair firſt appears —Is it immediately after—" Reſolved that thoſe who imitate his " example deſerve his fate." ?

Mr. Shelton. It is.

Mr. Attorney General. At the meeting on the 10th, at which Mr. Tooke was preſent, as appears by the book, it was reſolved—" That the important letters received from Sinclair, " the Delegate from this Society to the Convention at Edin- " burgh, and the ſubſequent proceedings of that Convention, " be taken into conſideration on Friday next, and that a ge- " neral meeting of the Society be called for that purpoſe."— " Reſolved that this be publiſhed in the newſpapers." Then there is the meeting of the 17th, to which I beg your Lordſhip's attention.

Mr. Tooke. I do not mean to be captious; but I beg to know whether my requeſt ought not fairly and reaſonably to be complied with, and then the Attorney General to re-read, if he thinks proper, any other reſolutions.

Lord Chief Juſtice Eyre. I think that you are ſtrictly entitled to have that part of the paper read which you requeſt ſhould be read, and if any thing is thought neceſſary to be read by way of explaining it, that the proper time for its being read is afterwards.

Mr. Tooke. I wiſh to have the minute read from the beginning to that place.

(*It*

(It was read again.)

Mr. Maclean. I found this paper in the poſſeſſion of Mr. Adams.

Mr. Solicitor General. The laſt article on that day is—"Read a letter from Hardy, Secretary to the London Corre-"ſponding Society." This is the letter from Hardy.

(It was read.)

[*Vide Hardy's Trial, vol.* 1. *page* 342.]

(The following entry was read from the books of the Society for Conſtitutional Information.)

"At a meeting of the Society for Conſtitutional Information, "at the Crown and Anchor Tavern, Strand, Friday, Ja-"nuary 24th, 1794."

[*Vide Hardy's Trial, vol.* 2. *page* 102.]

Mr. Maclean. I found this paper in the poſſeſſion of Mr. Adams.

Mr. William Woodfall. I believe this to be the hand-writing of Mr. Horne Tooke.

Mr. Tooke. This was proved before, it is an ironical prophecy written by me, unfortunately and too fatally fulfilled.

Mr. Attorney General. I am going to read a reſolution that was entered in the Conſtitutional Society's book on the 24th of January, 1794, in the hand-writing of Mr. Tooke.

Mr. Erſkine. That is the ſame thing you have been reading; you have read it in print, and now you are going to read the manuſcript.

Mr. Attorney General. No, I read it from the Society's book; my Lord was kind enough to tell me this morning, that when I produced a rough draft in the hand-writing of the priſoner, it was my duty to read it; following that advice, I am going to read it.

(The rough draft was read.)

Mr. Attorney General. Your Lordſhip will recollect I have proved that Mr. Martin was propoſed by Mr. Tooke; I have alſo proved that Mr. Hardy was an aſſociated member of the Conſtitutional Society: I am now going to prove that the Addreſs of the London Correſponding Society, of the 20th of January, 1794, is that which is ſtated to be "The moſt excellent Addreſs of the London Correſponding Society,"—and is the Addreſs alluded to in the reſolutions of the 24th of January, 1794, in Mr. Tooke's hand-writing, where he ſtates, "that the "Correſponding Society had deſerved well of their Country."

Mr. Tooke. What the Attorney General ſtates to be proved, I am ſure he thinks is proved, but it is poſſible that he may err, and I think he does now, or elſe I do greatly; I muſt beg that the beginning of that laſt entry may be read over again, to ſee whether "The moſt excellent Addreſs of the London Correſ-"ponding Society" refers to any and what date.

Mr Attorney General. It refers to no date. I am going to call a witneſs to prove that the London Correſponding Society (Mr. Martin being in the chair, and Mr. Hardy, ſecretary) publiſhed an Addreſs upon the 20th of January, 1794; and I mean to prove by evidence that the Addreſs which is ſpoken of in the reſolutions of the 24th of January, 1794, is the Addreſs of the 20th of January, 1794.

Mr. Tooke. Do I underſtand it right—that you ſtate that you mean to prove that?

Mr. Attorney General. I ſhall prove it by that evidence, which I ſhall leave to the Jury upon the fact. I wiſh not to be miſunderſtood—I deſire to ſay, and I hope I do not do wrong when I tell you, once for all, that when I ſtate that I have proved any thing, I mean to ſay no more than that I have offered evidence; the effect of which is for the conſideration of the Jury.

Mr. Tooke. I hope I have not hinted or inſinuated the ſmalleſt idea, when I think you have miſ-ſtated any thing, but that it is the effect of error, and nothing elſe.

Mr. Attorney General. I am always obliged to you when you correct me.

James

James Davidſon, (ſworn.)

Examined by *Mr. Attorney General.*

Q. You are a printer, I believe?

A. I am.

Q. Do you know Mr. Hardy or Mr. Martin?

A. I know Mr. Hardy.

Q. Were you employed by Mr. Hardy to print any thing before or after the 20th of January laſt?

A. I was, before the 20th of January.

Q. Look at this paper *(the Addreſs of the 20th of January, 1794)*; did you print this pamphlet?

A. Yes, I believe I did.

Q. Who employed you to print it?

A. Mr. Thelwall.

Q. Who paid you for it?

A. I am not yet paid for it.

Mr. Attorney General. I will now prove that this Addreſs of the 20th of January, 1794, was found in the poſſeſſion of the Secretary of the Conſtitutional Society.

Q. (to Mr. Maclean.) Did you find this any where?

A. Yes, I found it in the poſſeſſion of Mr. Adams.

(It was read.)

[*Vide Hardy's Trial, vol.* 1, *page* 351.]

Mr. Attorney General. I am now going to prove a letter of the 24th of January, 1794, from Thomas Hardy, Secretary to the London Correſponding Society, directed to Citizen Adams; which letter accompanied ſome copies of the publication which has juſt been read.

Mr. Maclean. I found this letter at Mr. Adams's.

(It was read.)

" CITIZEN ADAMS,

" I am ordered by the London Corresponding Society to " transmit to the Society for Constitutional Information a few " copies of their late publications.

" *Friday*, " THOMAS HARDY, Secretary."
" *Jan. 24th*, 1794."

Addressed " *Citizen Adams.*"

Mr. Attorney General. I propose now to read a letter from Mr. John Martin, the person who signs those resolutions as chairman, giving an account of the proceedings.

Mr. William Walker, (sworn.)

Mr. Attorney General. Did you ever see Mr. John Martin write?

A. I have.

Q. Be so good as look at that letter—Is that his hand-writing?

A. I believe it to be his hand-writing.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 1, *page* 399.]

Mr. Attorney General. I shall next read a letter of the 11th of January, 1794, from Thomas Hardy, found in the custody of Mr. Saint, at Norwich, relative to the intended proceedings of the 20th of January, 1794.

Mr. James Walsh, (sworn.)

Examined by *Mr. Attorney General.*

Q. Look at that paper, and tell my Lord and the Jury whether you found it, and where?

A. I

A. I found this paper in the house of a man of the name of Saint, at Norwich.

(It was read.)

[*Vide Hardy's Trial, vol. 1, page 342.*]

Mr. Attorney General. I am now going to prove a letter which was likewise found in the poſſeſſion of Mr. Saint, dated the 28th of January, 1794, written by Thomas Hardy.—This letter was forgotten to be read on the laſt trial.

Mr. Walſh. I found this letter at Mr. Saint's at Norwich.

(It was read.)

"FELLOW CITIZENS, "*London, 28th Jan.* 1794.

"On Friday laſt we anſwered your letter, and acknowledged "at the ſame time the receipt of your declaration and reſoluti- "ons, which we highly approve, and many of which we have "diſſeminated; we ſend you alſo ſome addreſſes reſolved upon "at our general meeting, and which we hope you will alſo ap- "prove, and anſwer without delay: the times are full of danger; "we muſt be firm, active, and unanimous, or all is loſt—no "timidity, no dilatory weakneſs, or we are undone.

"Yours, for the Society,

"THOMAS HARDY, Secretary.

"P. S. I have juſt heard a *report* that there are Meſſengers "ſent down to Edinburgh to bring Margarot and Skirving up to "London: excuſe haſte. When you write again, pleaſe to ſend "to me, *under cover*, to the ſame perſon."

Addreſſed, "*Mr. William Laws, Saint Mary's, Norwich.*"

Mr. Attorney General. It is in order now that I ſhould offer to your Lordſhip a witneſs to prove the hand-writing of the letter of Mr. Thelwall, who was an aſſociated member of the Conſtitutional Society—I mention it now merely that I may

have an opportunity of proving that hand-writing. There is another letter of the ſame perſon, which, for the ſame reaſon, I beg your Lordſhip's indulgence to offer to-morrow morning.

(The following entry was read from the books of the Society for Conſtitutional Information.)

" At a meeting of the Society for Conſtitutional Information, " held at the Crown and Anchor Tavern, Strand, on Friday, " the 7th of February, 1794.

" PRESENT,

" Dr. Kentiſh in the chair.

" Mr. I. H. Tooke, Mr. Bonney, Mr. Bryant, Mr. Arthur " Blake, Mr. Wills, Mr. Sharpe, Mr. Weldon, Mr. G. " Williams, Mr. Green, Mr. J. Pearſon, Mr. John Martin, " Mr. Thompſon, M. P. Mr. Wardle, Mr. I. Williams, " Rev. Mr. Harris, Mr. Parkinſon.

" It was moved that a circular letter be ſent to each member " of this Society with a ſtatement of the caſe of Mr. Sinclair, " Delegate of this Society to the Convention at Edinburgh, " and requeſting their aſſiſtance to the fund already ſubſcribed " for him. Paſſed unanimouſly."

Mr. Attorney General. Your Lordſhip obſerves that the entry as it is now read is—" It was moved that a circular letter be " ſent to each member with a ſtatement of Sinclair's caſe:" I ſhall now call Mr. Maclean, to prove the original minutes by which it appears that that motion was made by Mr. Tooke; and then I ſhall give in evidence a letter of Mr. Tooke's writing.

Q. (*to Mr. Maclean.*) Did you find this paper any where?

A. I found it at Mr. Adams's.

Mr. Tooke. The fact is certainly ſo—I moved it, and wrote the letter.

Mr. Attorney General, (*to Mr. William Woodfall.*) Look at the ſignature to this letter, at the writing at the back of it, and two or three interlineations in the middle of it.

A. The interlineations, the ſignature, and the indorſement, are, I believe, of Mr. Tooke's hand-writing.

Mr. Attorney General. This paper, found at Mr. Adams's, is a rough draught of the reſolutions copied into the book, but with theſe variations—in the rough draft it is "Mr. Tooke "moved," in the book it is "It was moved."

(The rough draft was read.)

Mr. Attorney General. Then I deſire that the entries of the meeting, on the 7th of February, 1794, at which Mr. Horne Tooke was preſent, may be read, with reſpect to the Addreſſes of the London Correſponding Society to Scotland, and thoſe with reſpect to Sinclair.

(The following entry was read from the books of the Society for Conſtitutional Information.)

"*February 7th*, 1794.

"Ordered, That the reſolutions relative to the Addreſs of "the London Correſponding Society, paſſed at the meeting on "the 24th of January laſt, be ſent to the Edinburgh Gazeteer, "for inſertion."

"Ordered, That a copy of the ſaid reſolutions of the 24th "of January be ſent to the Secretary of the London Correſ-"ponding Society."

"Mr. I. Williams read a letter from Mr. Sinclair at Edin-"burgh, dated 1ſt February, 1794."

"Reſolved, That the Secretary do now read the ſtatement "of the ſubſcription for Mr. Sinclair."

"It was then moved that a circular letter be ſent to each "member of this Society with a ſtatement of the caſe of Mr. "Sinclair, Delegate of this Society to the Convention at Edin-"burgh, and requeſting their aſſiſtance to the fund already "ſubſcribed for him. Paſſed unanimouſly."

Mr. Attorney General. Now read that letter to which there is Mr. Tooke's hand-writing—"Signed, by order of the Society, "John Horne Tooke."

(It was read.)

" SIR,

" I am directed by the Society for Conſtitutional Information, " to write to all the members of the Society, requeſting their " contribution towards the ſupport of Mr. Sinclair.

" When the Delegates from the different Conſtitutional So- " cieties in Scotland, lately met at Edinburgh, for the purpoſe " of conſulting together, and converting of meaſures which " might be proper to be purſued, in order to obtain a fair re- " preſentation of the people of Great-Britain, in Parliament, " Mr. Sinclair attended, as Delegate, from the Society for Con- " ſtitutional Information, and behaved, upon that occaſion, with " a moderation and temper, which have not only been highly " approved, but have much endeared him to this Society.

" For that conduct, which we highly approve, Mr. Sinclair " was indicted in Scotland, and returned to London upon bail; " ſince that time Mr. Skirving and Mr. Margarot have been " ſentenced in Scotland (for the ſame conduct as Mr. Sinclair) " to *fourteen* years tranſportation: with the fate of Meſſrs. Pal- " mer, Muir, Skirving, and Margarot before his eyes, Mr. Sin- " clair has returned to Scotland, in diſcharge of his faith, as a " private man, towards his bail, and in diſcharge of his duty to- " wards an oppreſſed and inſulted public; he has returned, not " to take a fair trial, but, as he is well perſuaded, to a ſettled " conviction and ſentence. Theſe ſentences of tranſportation " are *novelties* both to England and to Scotland, and exceed, in " cruelty and impudence, any thing practiſed in the odious and " abhorred reigns of the Stuarts; and theſe ſentences are to be " carried into execution under the adminiſtration of Mr. Pitt; " and by him who formerly (though hypocritically and treacher- " ouſly) profeſſed himſelf a ſtrenuous advocate for Parliamentary " Reform, and himſelf met the Delegates throughout England, " aſſembled in Convention, at the Thatched Houſe Tavern, " for the ſame purpoſe as that for which the late Convention " met in Scotland.

" Should

" Should it one day be the fate of this Mr. Pitt to be tried by " the people of this inſulted and oppreſſed Country, for his treachery " to the cauſe of Parliamentary Reform, we truſt they will never " conſent to ſend him to Botany Bay; in the mean time we ear- " neſtly ſolicit your aſſiſtance to alleviate the ſufferings of Mr. " Sinclair's ſituation, and to afford him every comfort in our " power, under this his honourable and meritorious martyrdom, " in which, and in worſe (if there be worſe), we declare our- " ſelves ready to follow him in purſuit of the ſame object, vi- " delicet, a fair repreſentation of the people in Parliament. By " order of the Society

" JOHN HORNE TOOKE."

Mr. Solicitor General. Now refer to the meeting of the Society on the 14th of February, when this letter was produced, ſigned by the Chairman, and ordered to be printed, and entered in the books.

(The following entries were read from the books of the Society for Conſtitutional Information.)

" At a meeting of the Society for Conſtitutional Information, " held at the Crown and Anchor Tavern, Strand, Friday, the " 14th of February, 1794,

" PRESENT,

" Mr. I. H. Tooke, in the chair.

" Mr. Hull, Mr. W. Sharpe, Mr. Bonney, Rev. Mr. Joyce, " Mr. Thompſon, Mr. I. Williams, Mr. Beck, Mr. G. " Williams, Mr. Aſhton, Mr. Stark, Mr. Wardle, Mr. " Bryant, Mr. Banks, Mr. Parkinſon.

" The Secretary produced a copy of a letter to be ſent to the " members of the Society, in conformity with the order of the " laſt meeting, two amendments were propoſed and agreed to."

" Reſolved, That the letter, now produced and amended, be " ſigned by the Chairman, and that the ſame be printed and " ſent to the members of this Society."

" At a meeting of the Society for Conſtitutional Information,
" held at the Crown and Anchor Tavern, Strand, Friday, 7th
" of March, 1794,

" PRESENT,

" Mr. Sharpe in the chair,

" Mr. Gawler, Rev. J. Joyce, Mr. Bonney, Mr. Blake, Mr.
" Tooke, Mr. Wills, Mr. G. Williams, Mr. Satchell, Mr.
" Wardle, Mr. Kyd, Mr. Stark, Mr. Hull, Mr. Holcroft,
" Mr. Chatfield, Mr. Thompſon, Mr. Rutt, Mr. I. Wil-
" liams, Mr. Beck, Mr. Banks, Mr. H. Campbell, Mr.
" Fawcett.

" Read a letter from Mr. Sinclair at Edinburgh."

" Reſolved, That Mr. Hull be requeſted to obtain credit for
" Mr. Sinclair at Edinburgh for twenty guineas, on account of
" this Society."

" Ordered, That the Secretary pay Mr. Williams ten pounds,
" remitted by him to Mr. Sinclair, out of the ſubſcription for
" Mr. Sinclair."

" Mr. Tooke gave notice that he would at the next meeting
" of this Society move that two books ſhould be opened; one
" of them bound in black, in which ſhall be entered all the
" enormities of thoſe who deſerve the cenſure, and in the other
" the merits of thoſe who deſerve the gratitude of the Society."

Mr. Attorney General. I am now coming to what I ſtated I would read to-morrow morning.—I muſt trouble your Lordſhip to go back to a letter from Margarot to the Norwich Societies, dated Edinburgh, the 24th of November, 1793. Margarot was not only a member of the Conſtitutional Society, but a Delegate of the Correſponding Society in London, and alſo a Delegate of the Societies in Norwich to the Scotch Convention.

Mr.

Mr. Walſh. I found this paper at Mr. Saint's at Norwich.

(*It was read.*)

" *Edinburgh, 24th November*, 1793.

" GENTLEMEN,

" I yeſterday received your letter of the 16th current, in " anſwer to mine of the 7th, requeſting your Society to ſend a " Delegate to the General Convention; I am ſorry you cannot " conveniently do ſo, as an addition to our number would be " very ſerviceable. I muſt, at the ſame time, return you my " thanks for the confidence you have repoſed in me; I chear- " fully accept the office of Delegate for the united Societies in " Norwich, to whom, as we have long been in correſpondence, " I cannot think myſelf entirely unknown; be aſſured then, my " worthy fellow-citizens, that I will endeavour, to the utmoſt " of my poor abilities, to prove myſelf worthy of the great " truſt repoſed in me.

" You talk of bearing your ſhare of the expences—to this I " reply, that it is one of our firſt principles, and that, therefore, " I am bound to accept it; but, while I do ſo, I am equally " bound to inform my conſtituents in what manner the ſupplies " I may receive from them are to be employed for their advan- " tage. You will then learn that the London Correſponding " Society allows both its Delegates a certain weekly ſum, be- " ſides their expences to and from London: but as that allow- " ance is regulated not ſo much by their good wiſhes as by the " ſcanty ſtate of their finances, we find ourſelves obliged not " only to bear certain part of the expences, but alſo feel our- " ſelves very much cramped in our proceedings, and cannot, " without great pecuniary inconvenience, viſit the different " parts of Scotland, which it is abſolutely neceſſary ſhould be " inſtructed and encouraged before we return to England. " My colleague, Joſeph Gerald, means, therefore, as ſoon as " the ſitting of the Convention is over, to return to London, " in order that the Society, having only one to provide for, may " be the better enabled to encourage the furtherance of ſo im-

" portant

" portant commiſſion, and that I may then ſpend a month or ſix " weeks in viſiting the numerous friends to reform in various " parts, in bringing them to adopt an uniform ſyſtem of re- " gulations. If, therefore, the plan (which I believe abſolutely " neceſſary) meets your approbation, whatever ſupplies you " may think proper to tranſmit to me ſhall be employed therein; " and, as we have already met with ſignal ſucceſs ſince our ar- " rival, I make no doubt but if I am enabled to continue in " Scotland a few weeks longer it will much advance the cauſe. " I will now proceed to give you an account of what has hap- " pened here.

" You know that at our arrival here we found that the " Convention had, after ſitting four days, adjourned, and the " Delegates were all gone back to their reſpective habitations, " without proceeding any farther in the buſineſs of Reform, " than ſimply agreeing that nothing ſhort of Univerſal Suffrage " and Annual Parliaments would ſatisfy them, and on that " ground propoſing not to ſend any petition to the King or to " the Parliament, leaſt by ſo doing the enemies of Reform might " be tempted to counteract their wiſh, and exert themſeves to " prevent a peace; but at the ſame time it was recommended " by the Convention; that all friends to Reform ſhould ſign any " petition for peace, which might originate in another quarter. " We ſoon prevailed on the Edinburgh Committee to recal the " adjourned Convention; the country Societies, informed that " England meant to take a ſerious part in the great cauſe, ſent " back all their former Delegates, and ſeveral of them who had " not ſent Delegates to the prior Convention, have ſent ſome to " this one. On Tueſday, the 19th inſtant, the Convention " opened. The number of Delegates amounted to 180; ſome " of them came even from ſo far as Cromartie; the reception " we experienced was highly flattering; we mutually gave and " received encouragement and animation. I ſhall not at pre- " ſent attempt to give you a minute detail of what has ſince " paſſed, becauſe the minutes are to be printed, and then I will " not fail ſending you a few copies of them, and will, I hope,

" be

" be able at my return to come to Norwich, and give you an " accurate verbal account of every tranſaction; mean time, if " you have any inſtructions to give me, ſend them without de- " lay, otherwiſe I ſhall act for you conformably to thoſe laid " down by the London Correſponding Society, a copy of which " you doubtleſs have received from them. The Convention " have begun by eſtabliſhing a ſet of rules for the organization " of the preſent and even future *Conventions:* next we eſtab- " liſhed a Committee of Union between the two nations, a " Committee of Finance, and a Committee to take into con- " ſideration the protecting or eſtabliſhing a patriotic newſpaper. " And on Saturday laſt we paſſed a proviſory decree of union, " the whole Convention, ſtanding hand in hand, ſolemnly " pledged themſelves to each other to renounce all national diſ- " tinctions, to abide firmly and truly by each other, until the " great end is obtained; and at the ſame time we aſſumed the " title of *The Britiſh Convention of Delegates of the People, aſſociated to obtain Univerſal Suffrage and Annual Parlia- " ments.*

" In my next I will give you another addreſs for thoſe letters " which you may write me, until you make uſe of the ſame " which I ſent you before; be ſo good alſo as to ſend me two or " three unſuſpected directions for my letters, becauſe I much " fear that at times curioſity engages the people employed in " the poſt office to open our correſpondence. Mr. Muir and " the Rev. Mr. Palmer have both been put on board the Royal " George cutter, and have been ſent off to London. The " news from the continent you are better informed of than I " can be, therefore I ſhall not talk of that. Let me hear from " you as ſoon as you can, and aſſure the Society, from me, " that nothing ſhall be wanting on my part to bring about a " ſpeedy and a thorough Reform of Parliament: but I muſt " not hide from you that our greateſt hopes are on the country " where I now am, for not only a majority of the people are on " our ſide, but they are moſt of them ſo well-informed that " they only require the Engliſh Delegates to encourage them in " the name of their reſpective Societies, and they will proceed

" regularly

" regularly and firmly; so that my hopes are sanguine that a " reform will soon become the general topic.

" I am most sincerely,

" Friends and fellow-citizens,

" Your faithful Delegate and fellow-labourer,

" MAURICE MARGAROT."

Mr. Attorney General. I propose to read next a letter of the 2d of December, 1793, from Mr. Gerald and Mr. Margarot, who were Delegates from the London Corresponding Society, and also members of the Constitutional Society.

Q. (to Mr. Gurnell.) Look at that paper—did you find that in any place?

A. I found it in the possession of Mr. Hardy.

(It was read.)

[*Vide Hardy's Trial, vol.* 1, *page* 272.]

Mr. Attorney General. I propose now to read a letter of the 10th of March, 1794, from Margarot to the Norwich Society.

Mr. Walsh. I found this paper at Mr. Saint's house at Norwich.

(It was read.)

" *Spithead, the* 10*th of March*, 1794.

" Worthy Friends, and Fellow Citizens,

" Our stay here being longer than was at first expected, I " avail myself of that delay to acknowledge the receipt of twenty " pounds from your Society, which have been delivered to me " by Thomas Hardy, our Secretary, to whom you had remitted " them, and who has been down here purposely to see me, and " make some arrangements for the future, but whose business " has called him back to London before any thing could be " settled between us. At first he seemed to think that the money

" was

" was meant by you to be divided among the four who are now
" ſuffering together; but, on my acquainting him that thoſe
" gentlemen were infinitely better off than myſelf in that reſpect,
" inſomuch that they are continually receiving private preſents,
" and are moreover ſupported by many Noblemen and rich Mem-
" bers of Parliament, theſe latter ſeeking only (I much fear) to
" make a party affair of it, that he gave the money to my own
" diſpoſal. If, however, you meant otherwiſe, your intention
" ſhall be complied with immediately on its being made known
" to me.—So much for pecuniary affairs.—*This morning* 10
" *ſhips of war have left Spithead for the Channel, and it is here*
" *reported that the Breſt fleet is out: Rumour, always magnify-*
" *ing things, ſays there are* 70 *ſail of French at ſea, if ſo, there*
" *muſt be a number of tranſports among them, and a deſcent may*
" *probably be the conſequence. For God's ſake, my worthy friends,*
" *do not relax in the Cauſe of Freedom—Continue as you have*
" *begun—Conſolidate your own Societies—Unite with others—*
" *Perſevere, and make no doubt but, ſooner or latter, your en-*
" *deavours will be crowned with ſucceſs.* I have alſo to thank
" you for the affectionate addreſs I received from you. Be
" aſſured that my utmoſt ambition will ever be to deſerve your
" confidence and your eſteem. The tide of fortune, however
" ſtrongly it may run againſt our cauſe at preſent, muſt ſoon
" have a turn: The eyes of mankind will naturally open—when
" their pockets empty, and their blood ſpills, they will aſk each
" other for whom are we thus ſacrificing ourſelves, and murder-
" ing others? What advantage reſults to us from all this ex-
" penditure and ſlaughter? And by interfering in the govern-
" ment of another country, do we not ſet other nations an ex-
" ample to interfere with our own government, and to model
" it as they think proper? Should they do ſo, Popery and deſ-
" potiſm muſt be our lot—may gracious Providence avert it;
" [redacted] rather all to a man be determined to live free or
" die! In my exile nothing would afflict me ſo much as to hear
" that my country was enſlaved, and that my countrymen hug-
" ged their chains. I truſt, however, the national ſpirit of

" Britons

(*It was read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 242.]

Mr. Edward Lauzun. I found this paper in Mr. Hardy's houſe.

(*A letter from Margarot and Hardy, to Kilminſter, Secretary to the Birmingham Society for Conſtitutional Information, June* 10*th*, 1793, *read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 247.]

Mr. Solicitor General (*to Mr. William Scott.*) Did you find this paper any where?

A. I found it amongſt Mr. Skirving's papers.

(*A letter from Thomas Hardy, to William Skirving, Edinburgh, dated London, October* 6*th*, 1793, *read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 261.]

Mr. Attorney General. I am going to produce the commiſſions of Margarot and Gerald (who, your Lordſhip will recollect, were members of both Societies) as Delegates to the Convention in Scotland.

(*They were read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 267.]

Mr. Solicitor General. We will now read the entry in the books of the Conſtitutional Society, of the 8th of November, 1793, in which it is ſtated, that letters were read from the Societies at Sheffield, Leeds, and Birmingham, in anſwer to their Secretary's

Secretary's letter of the 28th of October, which letter, your Lordſhip recollects, was relative to ſending deputies to the Convention.

(The following entry was read from the book of the Society for Conſtitutional Information.)

" At a meeting of the Society for Conſtitutional Information, " held at the Crown and Anchor Tavern, Strand, Friday, 8th " November, 1793.

" PRESENT,

" Mr. I. Williams, in the chair.

" Mr. I. H. Tooke, Count Zenobio, Mr. William Sharpe, " Mr. Bonney, Mr. Wills, Mr. Martin, Dr. Kentiſh, Mr. " Wardle, Mr. Harriſon, Mr. Chatfield, Mr. Holcroft.

" Read letters from the Conſtitutional Societies at Sheffield, " Leeds, and Birmingham, in anſwer to the Secretary's letter " of the 28th ultimo."

Mr. Attorney General. I ſhall now produce letters in anſwer to the Conſtitutional Society, relative to ſending Delegates to the Scotch Convention.

Mr. Thomas Maclean. I found this paper in the poſſeſſion of Mr. Adams.

(It was read.)

" Sheffield Committee Room of the Conſtitutional " Society, November 1ſt, 1793.

" SIR,

" Your letter, and the reſolution of the Society for Conſtitu- " tional Information in London, are this moment delivered to me " by Mr. Aſhton, in anſwer to which I ſit down inſtantly to in- " form you that this Society has already tranſmitted its ſentiments " to the Secretary of the Convention in Edinburgh, Mr. Skir- " ving, and declined ſending a delegation for reaſons which I will " tranſcribe in the words of our letter.—That it would have " given this Society the moſt heartfelt ſatisfaction to have had a

 " delegation

" delegation preſent at their approaching Convention, had we " received timely notice of their wiſhes that it ſhould be ſo—but " it unfortunately happens, that all the gentlemen belonging to " the Society, which it would chuſe for ſo important a buſineſs, " are ſo previouſly engaged in affairs which they cannot poſſibly " poſtpone in ſo ſhort an interval, that it is not in our power to " comply with their requiſition on the preſent occaſion.

" This Society are alſo of opinion, that to give ſuch a mea- " ſure its full effect, it would be neceſſary that the other Soci- " eties in South Britain ſhould have communication with each " other on the ſubject, and be able to aſcertain that deputations " would be ſent from at leaſt a majority of the Societies in this " part of the kingdom. And to evince that we ſhould be happy " to unite our efforts with theirs in one firm and ſettled plan, " we aſſure them, that if they think proper to fix another meet- " ing in January or February, or any other time which may be " more agreeable, and give us immediate notice thereof, and that " they wiſh to ſee Delegates from the ſeveral Societies in this " part of the kingdom, we will write to all thoſe we are in cor- " reſpondence with, to get ſuch a delegation as may be truly re- " ſpectable and important.

" The above extract will evince to you, Sir, and the Society " for Conſtitutional Information, how far your proceeding meets " with our approbation. There is a worthy member of this So- " ciety and of the Committee, and I believe alſo of the Com- " mittee of twelve, admitted into your Society, Citizen Alcock, " now in London, and I doubt not but he has, before this will " reach you, given you the whole information herein contained; " but ſo ſcrupulouſly exact am I in anſwering every letter on " public buſineſs, that I will not truſt to him, though I know he " is particularly deſirous of being introduced to you.

" I was choſen Secretary, *pro tempore*, to anſwer the letter from " Mr. Skirving, and therefore continue the office thus much far- " ther, not to keep you in ſuſpence, as the Committee will not " meet again before Wedneſday next, and two or three of the " members, who have ſeen your letter before I did, ſent to re- " queſt I would do ſo.

" I cannot

" I cannot close this letter without remarking, that all the So-
" cieties we are in correspondence with, have been remarkably
" remiss in their communications for several months past; to many
" we have addressed more than one or two letters without re-
" ceiving any answers. This Society has been very active, and
" particularly in publishing, by which several *individuals* have
" suffered considerably, as the burthen has fallen chiefly on them.
" We have many thousand members, but a vast majority of them
" being working men, the war, which has deprived many of
" them of *all* employment, and almost every one of *half* his
" earnings, we have been crippled more than any other in the
" kingdom. We have the satisfaction to know that *we have*
" *done* great good, but I fear we must content ourselves with
" *good intentions* and wishes in future, as our funds are not only
" exhausted, but the Society is considerably in debt, and that
" debt must fall on a few who have stood forward on every oc-
" casion with their zeal, their active efforts, and their credit.

" It appears to me, that if the Societies do not become more
" active, and more united in their efforts in the time to come,
" what they have done hitherto will be rendered useless, and ar-
" bitrary power will trample on all that is dear and valuable to
" freemen. The measures lately adopted in the sister kingdom,
" measures as opposite to, and incompatible with a free consti-
" tution as fire and water, and since followed up by the most
" slavish and horrid doctrines in the courts in Scotland, have
" hitherto been viewed only with a degree of apathy by the great
" bodies in the kingdom, which we little folks in the country
" look up to for examples, styling themselves patriotic, such as
" The Society for Constitutional Information, in London."
" The Friends of the People, ditto." " The Friends to the
" Liberty of the Press," that we begin almost to think here,
" it is time to nip those buds of freedom which were beginning
" to blossom with so much luxuriance, lest they should be exposed
" to the danger of being blighted by those torpid frosts which
" appear to have chilled every animating influence in those great
" barriers which we looked to for defence and protection.

" I aſſure you, my good Sir, nothing is further from my in-
" tention than to give the ſmalleſt offence—I am a ſtaunch De-
" mocrat, and ſpeak my mind freely; and I hope you will con-
" ſider what I have hinted at the ſupineneſs which appears at pre-
" ſent to poſſeſs too great a ſway, as merely the effect of that
" warmth and zeal for the great cauſe we are both ſtrenuous to
" ſupport and forward, the cauſe of Freedom and Parliamentary
" Reform.

" I am, with the greateſt reſpect, Sir,
" your moſt obedient ſervant,
" MATTHEW CAMPBELL BROWN.
" Secretary, *pro tempore*, to the
" Conſtitutional Society Sheffield."

Addreſſed " *Mr. D. Adams, Attorney at Law, Tooke's-court, Chancery-lane, London.*"

Mr. Solicitor General. Now I will ſhew from the proceedings of the Britiſh Convention, that notwithſtanding this letter, the Sheffield Society did ſend a Delegate.

(Extract from the Proceedings of the Britiſh Convention, read.)

" *Additional Delegations.*
" *Crown and Anchor, London,*
" Charles Sinclair, Henry Yorke."

" *London Correſponding Society,*
" Joſeph Gerald, Maurice Margarot."

" *Sheffield Conſtitutional Society,*
" Matthew Campbell Brown."

Mr.

Mr. Solicitor General. Now I will ſhew from their proceedings that Matthew Campbell Brown, was an active member of the Britiſh Convention.

(*Extract from the Proceedings of the Britiſh Convention, read.*)

" Citizen Brown, of Sheffield, produced a commiſſion from " the Leeds Conſtitutional Society, appointing him their Dele- " gate, which was received and approved of by the Convention."

" Edinburgh, November 26th, 1793.
" Seventh Day's Sitting.
" Citizen Matthew Campbell Brown, in the Chair."

Mr. Solicitor General. Now we will read the letter from Leeds, that was mentioned in the ſame entry in the Conſtitutional Society's books.

Mr. Thomas Maclean. I found this paper in the poſſeſſion of Mr. Adams.

(*It was read.*)

" SIR,

" Your's of the 29th I received, and laid it before the Com- " mittee of the Leeds Society on Monday the 4th of this inſtant.

" It is with great ſatisfaction we read our letter, and approve " your having elected your Delegates to ſerve upon ſuch a laud- " able undertaking; but if you meant for the Leeds Society to " adopt the ſame meaſures, ſhall be glad if you will anſwer this " *immediate*; as we are not acquainted with the time of their " ſitting we fear our Delegates would be too late.

" I am, Sir, with great reſpect,
" Your humble ſervant,
" CHARLES HUNDLEY,
" Secretary of the Conſtitutional Society."

" *Quarry-Hill,*
" *5th Nov.* 1793.

Addreſſed, " *D. Adams, Eſq. No. 4, Tooke's-court, Chancery-lane, London.*"

Mr. Attorney General. We will now read a letter from Hardy to the Norwich Society, deſiring them to ſend Delegates to the Scotch Convention, and we ſhall prove they appointed Margarot, who was alſo a member of the Conſtitutional Society.

Mr. James Walſh. I found this paper in Mr. Saint's houſe, at Norwich.

(*It was read.*)

" *London Correſponding Society, Nov. 23d,* 1793.

" FELLOW-CITIZENS,

" You have been already informed, by the correſpondence " ſubſiſting between the reſpective diviſions of the Patriotic So- " cieties in England and Scotland, of the Convention called " and now ſitting in Edinburgh, for the purpoſe of obtaining " a ſpeedy and radical Reform in the ſyſtem of Parliamentary " Repreſentation; and you are alſo in poſſeſſion of the circum- " ſtances of our having ſent two Delegates (Citizens Margarot " and Gerald) to repreſent our increaſing Society in that reſpect- " able aſſembly. The Society for Conſtitutional Information " alſo elected two Repreſentatives (Citizens Yorke and Sinclair) " the latter only of whom has gone to Scotland for the diſcharge " of his important miſſion.

" Citizens, the object of our preſent letter is to inform you " of the important communications which our miſſion has already " produced. The ſpirit and reſolution it has diffuſed through " the reſpective Societies in Scotland—the rapid increaſe of the " avowed friends of liberty, which has already made its ap- " pearance, and the proſpects which have been opened before us " of the moſt complete union, the moſt determined perſeverance, " the moſt active exertion in every conſtitutional meaſure, that " *can be deviſed for the recovery of our rights, and the complete* " *reſtoration of the liberties and happineſs, which as men we are* " *entitled to, and, as Britons, we have been taught to expect.* " An increaſe of affection, of zeal, and of confidence; a con-

" cert

" cert of permanent union; a free communication and com-
" pariſon of ſentiments and intentions; mature deliberation and
" mutual reliance—theſe are the fruits of the wiſe and ſpi-
" rited meaſures adopted by the friends of liberty in Scot-
" land, and ſeconded by the Societies of London and of Ire-
" land.

" Britons, and Fellow-Citizens! let us rouſe you to imme-
" diate co-operation with theſe efforts for the general good;—
" let us awake you to a ſenſe of the importance of the preſent
" moment, and perſuade you, perſuade all the Patriotic Socie-
" ties in England to ſtrengthen by their immediate junction with
" this grand federation;—that as thoſe who are hoſtile to our
" freedom are already united by compacts, intereſts, and coa-
" litions, the friends alſo of that glorious principle may be
" bound together by a link ſtill more firm, more intimate,
" and more durable, to reſiſt every oppreſſion and uſurpa-
" tion that may be attempted, and vindicate the 'Rights of
" Man.'

" The Society at Norwich has already, in ſome degree, imi-
" tated our example: For though time and convenience did
" not permit them to elect a ſeparate Delegate, they have ſent
" a written authority to Citizen Margarot to act for them in
" that capacity, together with inſtructions to enable him to
" ſtate their ſentiments to the Convention, and directions for
" him to correſpond with them, and render their fraternity more
" complete.

" Citizens! Permit us to unite our voices with thoſe of
" our brethren in the North, to requeſt you, by ſome ſuch me-
" thod (if you cannot render it convenient immediately to
" ſend a Delegate of your own) to aſſiſt the cloſer union,
" and more immediate communication of the reſpective So-
" cieties.—Perſuaded as we are that the friends of liberty,
" if encouraged by the conviction of general union to ſtep
" forward, and avow their ſentiments, are already ſo nu-
" merous and reſpectable as to enſure a ſpeedy termination
" of the calamities of an unjuſtifiable war, and a reſtora-

" tion

" tion of every right to which Britons and Freemen are
" entitled:

" We are, in the firm aſſurance of your zeal and ſin-
" cerity in the cauſe of liberty, your affectionate
" Fellow-Citizens.

" THOMAS HARDY, Secretary."

" *P. S.* I received your letter, and I ſent it to Edinburgh
" according to your direction."

Mr. Attorney General. I am now going to read from the book of the Conſtitutional Society an entry of the 6th of December, 1793; that in the preſence of Mr. Tooke, as far as that fact is made to appear by the book, a letter was read from Sinclair, one of their Delegates, to the Conſtitutional Society in London, deſiring that a Secret and Select Committee might be appointed to correſpond with him; and that a Secret and Select Committee was accordingly appointed.

(The following entry was read from the book of the Society for Conſtitutional Information.)

" At a Meeting of the Society for Conſtitutional Informa-
" tion, held at the Crown and Anchor Tavern, Strand, on
" Friday the 6th of December, 1793,

" PRESENT,

" Mr. Bonney in the Chair.

" Mr. I. H. Tooke, Mr. W. Sharpe, Count Zenobio, Mr. I.
" Williams, Mr. Balmanno, Mr. Symonds, Mr. Martin, Mr.
" Wardle, Mr. Chatfield, Mr. Harriſon, Mr. B. Cooper, Mr.
" Holcroft, Mr. Satchell, Mr. Hardy.

" Read a letter from Mr. Charles Sinclair, Delegate from
" this Society at Edinburgh, dated the 7th of November, with
" the Secretary's anſwer to that letter; and alſo another letter
" from Mr. Sinclair, dated the 12th of November."

" Reſolved, That a general meeting of this Society be called
" for the ſecond Friday in January next, for the purpoſe of con-

" ſidering the important letters received from the Delegate, Mr.
" Sinclair."

" Reſolved, That a Committee be appointed to correſpond
" with our Delegate, Mr. Sinclair."

" Reſolved, That Mr. Balmanno, Mr. John Williams, Mr.
" Martin, Mr. Bonney, and Mr. Wardle, compoſe the Com-
" mittee."

Mr. Attorney General. I am going to read thoſe letters from Sinclair that are referred to in this reſolution.

Mr. Thomas Maclean. I found theſe three papers in the poſſeſſion of Mr. Adams.

(They were read.)

" SIR, " *Edinburgh, 7th November*, 1793.

" In obedience to my inſtruction, I haſten to inform you
" of the ſtate of affairs here, as fully as the time will permit.

" When I came, I found that the Convention had met,
" and are again re-called by their exiſting Committee for the
" 19th of this month, in conſequence of the arrival of the De-
" puties of the Correſponding Society, and the intimations
" from various parts of England, that the ſhortneſs of the
" notice, was the chief obſtacle to their ſending Delegates;
" and ſuch indeed is the extreme joy ſhewn by the friends of
" liberty here on our appearance among them; ſuch is their
" cordiality and frankneſs in their communications with us, and
" above all, ſo anxious are they for a union of ſentiment, and
" of exertion in the common cauſe with the people of England,
" that it will be highly diſgraceful and culpable, if a ſpirit
" fraught with ſuch evident advantage to the ſuffering millions
" of both countries be permitted to languiſh without encourage-
" ment. I therefore entreat you to take the earlieſt opportu-
" nity of laying this information before the Society, in order
" that they may exerciſe their diſcretion upon the ſteps ne-
" ceſſary to be taken for ſtrengthening our numbers, and ren-
" dering our meaſures as effectual as poſſible. The temper of

" the

" the people here gives me the greateſt reaſon to hope that
" they are ready, at leaſt, to acquit themſelves of their duty;
" and as I act in perfect uniſon with the repreſentatives of the
" Correſponding Society, I flatter myſelf that our conduct has
" tended very much to recover them from the temporary de-
" preſſion, occaſioned by their receiving no Delegates from
" England. Ever ſince my arrival we have regularly attended
" all their meetings, which are numerous and daily. It de-
" lights me beyond meaſure to ſee numbers around me who
" appear to ſacrifice all other objects to the great cauſe in
" which they are engaged. To the ſuperficial obſerver, the
" extreme ſeverity of the ſentence of Mr. Muir and Mr.
" Palmer, may appear to contradict what I ſay of the diſpoſi-
" tion of the people, but I am happy in being able to aſſure
" you of its truth. The fears of the Borough-mongers are
" much greater here than in England, and the vengeance (not
" the juſtice) of the magiſtracy correſponds perfectly with his
" apprehenſions. The fate of Palmer and Muir has made a
" deep impreſſion on the public mind. A report had been cir-
" culated yeſterday that it was the intention of Government
" to ſend the latter on ſhipboard immediately; great pains were
" taken to preſerve the people tranquil, as it was apprehended
" that it might be an artifice of the common enemy, in order
" to excite diſturbance, and this opinion appears to be founded,
" as Mr. Muir was deſired to hold himſelf in readineſs to go
" where, or when he knoweth not; indeed nothing can exceed
" the folly of the proceedings againſt this man, they ſeem
" careful that nothing ſhall be omitted to be done that can
" poſſibly attach the public notice and affection to him; he is
" confined with another perſon in a ſmall room, the floor of
" which is of ſtone, and no more than two viſitors are per-
" mitted to be in the room at the ſame time; in ſhort, all ju-
" dicial proceedings here are ſummary, and all puniſhments are
" ſevere in the extreme; if a man is ſuſpected, he is immedi-
" diately apprehended, and undergoes a ſecret examination;
" this was the caſe with Mr. Hamilton Rowan, who was ap-
" prehended on Tueſday in Mr. Muir's room, in about two
" hours

" hours after his arrival, upon a charge of SEDITIOUS INTEN-
" TIONS, *and for which he is held to bail to ſtand trial*; this
" excellent patriot has it in contemplation to make them a pre-
" ſent of the bail, as he thinks *it may be acceptable*; he is ac-
" companied by the Honourable Simon Butler, and both re-
" turn to Ireland this day.

" Since even the intentions of men are here become matters of
" legal enquiry, and, in ſome degree, of puniſhment, and as
" the Crown Lawyers may attribute what intentions they pleaſe
" to the accuſed, it is not improbable but the Delegates from
" London, notwithſtanding our utmoſt caution, may be ho-
" noured by a viſit from thoſe worthy alguazils. Be not, how-
" ever, apprehenſive about us; for, upon examination, I find
" the proceedings here ſomething more mild than thoſe of the
" Inquiſition. We are prepared accordingly. We have taken
" our reſolution to follow the example of Colonel Lilbourne, in
" refuſing to anſwer any queſtions until the people are admitted;
" and then to maintain that we are bound to anſwer a criminal
" charge only before a Jury of the Country, who alone can
" determine its guilt or its innocence.

" Pray inform me why my friend and colleague is not here;
" if a continuance of his diſorder unhappily prevents him, it
" will be abſolutely neceſſary to ſend another by the meeting of
" the Convention. If you had ſent twenty Delegates from
" England (and if your activity and exertions had equalled thoſe
" of the citizens here, three times the number might have been
" ſent with eaſe) its effects would have been great beyond cal-
" culation. I judge from what I ſee; and, I hope, that no exer-
" tion ſhall be wanting on your part to induce the other Societies
" to follow the example which you have ſet them; for myſelf, I
" beg you to inform the Society, that no perſonal conſideration
" ſhall ever ſhake my zeal in a cauſe, the accompliſhment of
" which, from my earlieſt years, I have ever conſidered as an
" indiſpenſible duty, and which, at preſent, derives a freſh im-
" pulſe from the miſeries of that claſs of men from whom I have
" no right to think myſelf removed. In times, like theſe, the

" poſt

" poſt of danger is the poſt of honour; and he who will not be " uſed, ought to be abuſed.

" I am, Sir,

" Your humble ſervant,

" CHARLES SINCLAIR,

" Delegate from the Society for Conſtitutional Information."

" *D. Adams, Eſq; Secretary to the Society*

" *for Conſtitutional Information.*"

" *Robinſon's, Leith Walk, 12th November, 1793.*

" DEAR SIR,

" Upon mature reflection, I beg leave to requeſt that the So- " ciety may be pleaſed to appoint a Secret and Select Com- " mittee, to receive ſuch further communication as ſhall appear " proper to be referred to them; they will neceſſarily be inveſted " with a reſponſible power to return an immediate anſwer to my " letters: the time is now nearly arrived when it ſhall be neceſ- " ſary for you to do much or nothing; upon all ſimilar occaſions, " what has been ſo fatal as diſtruſt? A Committee, formed from " the talents and integrity of the Society, ought to be confided " in; here at the advanced guard I am ready to ſet the example.

" Mr. Skirving called upon us this morning, and informed us " that he expects a very full Convention; and that, in conſe- " quence of our arrival, many new Societies are formed, and " forming in different parts of the Country. Lord Daer is juſt " come to town.

" I wiſh you to ſend me, immediately, a number of your " publications, as I think they may be diſtributed here with in- " finite advantage. You can ſend them by the Royal Charlotte, " from the George and Blue Boar, Holborn, directed to me at " Robinſon's, Leith Walk.

" Although Mr. Muir is in very bad health, he is expected " to be inſtantly removed to London; if ſo, let me aſſure the " Society they cannot oblige the Scotch more, than by paying " him every attention; they conſider him as a martyr in their " cauſe. A ſubſcription is opened for him here, and, perhaps,

" it

" it may be very aviſable to forward it in London, as much as " poſſible; for, by all accounts, his ſmall fortune has been quite " impaired in the public ſervice.

" The Friends of the People, in Edinburgh, invited the two " Iriſh Gentlemen, mentioned in my laſt, and Margarot, Gerald, " and myſelf, to a ſumptuous dinner, which they had prepared " for us. The health of my conſtituents was given with three " times three; in return for which I took upon me to aſſure " them, that they, who have ſo long deſerved well of their " country, ſhall not now relax their endeavours,—in full confi- " dence that they will keep my promiſe.

" I am, Dear Sir,

" Your very humble ſervant,

" CHARLES SINCLAIR,

" Delegate from the Society for Conſtitutional Information."

" P. S. Pray have the goodneſs to order me the Morning " Chronicle from Ridgways, for I have no time to ſpend in a " coffee-houſe."

Addreſſed " *D. Adams, Secretary to*

" *the Society for Conſtitutional Information.*"

" SIR,

" I have the ſatisfaction to inform you, that the Delegates " from the Societies in London have, at length, arrived at " Edinburgh. Delegates from the other Societies in England, " and who are now upon the road, will ſoon alſo be here to wait " upon the FRIENDS OF THE PEOPLE, in order to eſta- " bliſh an INDISSOLUBLE FRATERNITY between " the two nations, and to adopt thoſe meaſures which, at this " *awful period*, may have a tendency to ſave the Country.

" SOLEMNLY pledged, as you are, to a common and " JUST cauſe, no hardſhip and no expence can be thought too " great for you, while you are conſcious that you are diſcharging " your duty. With no propriety can you refuſe to attend upon " your brethren from England, who, at ſo much expence, and " from ſo great a diſtance, have come to unite their affections " and deliberations with you.

" I feel

"I feel it my duty, in coincidence with the ſentiments of the "General Committee here, again to recal the SOCIETIES "by their Delegates to this place. Every moment is precious, "and delay is ſynonimous to treachery.

"I expect therefore, Sir, to have the honour of ſeeing you "on the 19th current, in the GENERAL CONVENTION "OF THE DELEGATES, in compliance with the publick "advertiſement, which I was bound to inſert in my official ca-"pacity, in the GAZETTEER of yeſterday; to which I "entreat your particular attention.

"If you cannot poſſibly attend, it will be proper to call the "COMMITTEE of your SOCIETY to appoint one or "two in your place. No exertion on the part of a friend "ſhould be wanting at this *important criſis* to render this CON-"VENTION ſtill more reſpectable; and none who have the "*cauſe* at heart, and diſcern how MUCH IS AT STAKE, "will be remiſs.

"Let it be our ardent prayer to GOD, that his wiſdom may "direct their meaſures, and that his benediction may attend the "execution of them.

"I have the honour to be, Sir,

"*Edinburgh*, "Your moſt obedient ſervant,

"*Nov. 7th*, 1793. "WILLIAM SKIRVING, Secretary."

Addreſſed, "*D. Adams, Eſq; Tooke's-*

"*court, Chancery-lane, London.*"

Mr. Attorney General. The next letter I offer in evidence is dated Tolbooth, the 24th of January, 1794, from Margarot to Hardy, which I read for the purpoſe of ſhewing there were armed aſſociations propoſed.

Mr. John Gurnell. I found this paper in Mr. Hardy's houſe.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 1, *page* 401.]

Mr.

Mr. Attorney General. I will now produce a letter of Mr. Thelwall's, who your Lordſhip recollects is alſo an aſſociated member of the Conſtitutional Society; and I produce it for the purpoſe of having a paſſage in it read relative to the Addreſs of the 20th of January, of the London Correſponding Society; having before read the letter by which that Addreſs was communicated by Hardy, the Secretary of the London Correſponding Society, to Adams, the Secretary of the Conſtitutional Society; and having read the entry of the 24th of January, 1794, which ſtates, that "the moſt excellent Addreſs of the London Cor-"reſponding Society was approved of by the Conſtitutional "Society." I have taken the liberty of mentioning thus much becauſe I underſtand in the laſt trial, in my abſence, this letter was not read, your Lordſhip thinking it was not evidence.—I concieve that it is evidence, and I beg leave to offer it.

Mr. Gibbs. Mr. Tooke deſires me to make no objection to it.

The Reverend Richard Williams, (ſworn.)

Mr. Solicitor General. Look at that letter, (*ſhewing it to the witneſs.*)—Do you know whoſe hand-writing it is?

A. I believe the ſignature to be Mr. Thelwall's.

Q. Did you ever ſee Mr. Thelwall write?

A. Yes.

(*It was read.*)

"DEAR JACK,

"I ſend you three dozen of ſongs, copies of either of which "I would have you give to whoever may aſk for them that is "likely to ſing them; I believe at this time they may do a "great deal of good, if well diſſeminated: I have printed three "thouſand of each; they ſell like wildfire.

"I ſend you alſo a little pamphlet, containing an extract from "a ſpeech of mine, for publiſhing which the bookſeller is now "in Newgate, and is to be tried for ſedition; I ſend you alſo a "copy of the indictment; ſhew them about to your friends, "they will illuſtrate one of the ſongs.

" You will alſo receive ſeveral copies of Addreſſes publiſhed " by the London Correſponding Society; one of them was " drawn up by myſelf, the other is partly the work of Horne " Tooke, and partly of the Citizen who has ſigned it as Chair- " man: we had above a thouſand people aſſembled to paſs theſe " reſolutions; it was a glorious day—a day of triumph to li- " berty, to which Britain will hereafter owe a conſiderable part " of her happineſs.

" I was Chairman at the dinner, and I aſſure you I gave " them ſome fine toaſts.—Ah, ça ira, ça ira, ça ira!

" Give ſome copies of the reſolutions to Sampſon Read " Fountain; and, in ſhort, ſpread them about as much as you " can; I have diſtributed above fifteen hundred with my own " hand.

" London is not the only place that is alive, Scotland is full " of liberty boys—Sheffield, Norwich, Mancheſter, and heaps " of places the ſame; in ſhort, I believe the Country will not " be humbugged any longer; and that, before half of the next " compaign is over, the wiſe men of Gotham will be obliged " to call back their troops from the triumphant Republic of " France, and grant us our RIGHTS.

" Adieu, Citizen Jack, I can think of nothing but politics; " pray, when you have any advice to give me, do it plump and " open, without any apology, it is the duty of friends to ſpeak " their minds without reſtraint; and remember I am the advo- " cate of *equality and perfect freedom.*

" Your's,

" I. THELWALL."

" I ſend you alſo ſome reſolutions paſſed at Norwich, and a " Scotch newſpaper, in which you will find the trial of our " Delegate, Margarot; Gerald, our other Delegate, and Sin- " clair, Delegate of another patriotic Society, ſet off laſt night " to be tried, caſt, and ſentenced to tranſportation alſo; but " patriots diſdain to ſtoop before oppreſſion, and ſet tyrants and " tyranny at defiance."

Addreſſed " *Citizen Jack Vellam.*"

Mr.

Mr. Attorney General. I ſhall next read an entry from the Conſtitutional Society's book, relative to the mode in which the Society at Sheffield keep public faſts.

(The following entry was read from the books of the Society for Conſtitutional Information.)

" At a meeting of the Society for Conſtitutional Informa-
" tion, held at the Crown and Anchor Tavern, Strand, Friday,
" 21ſt March, 1794.

" PRESENT,

" Rev. Mr. Joyce, in the Chair.

" Mr. Tooke, Mr. Thompſon, Mr. Hull, Mr. Sharpe, Mr.
" Kyd, Mr. Wardle, Mr. Aſhmore, Mr. Fitzgerald, Mr.
" Stark, Mr. Beck, Mr. Fawcett, Mr. Chatfield, Mr. Hol-
" croft, Mr. Jennings, Mr. John Williams, Mr. Richter.

" Reſolved unanimouſly, That the Secretary of this Society
" be directed to write to the Friends of Peace and Reform at
" Sheffield, and to aſſure them that this Society views with
" pleaſure their ſteady exertions to obtain a fair repreſentation of
" the people of Great Britain in Parliament, and the proper
" methods which they have taken to employ uſefully thoſe days
" which may be appointed for public faſts."

" Reſolved unanimouſly, That this reſolution be publiſhed in
" the newſpapers."

" Reſolved unanimouſly, That this motion, when printed, be
" tranſmitted to the Society of the Friends of Peace and Reform,
" at Sheffield."

" Reſolved, that the anniverſary dinner of this Society be
" held on Friday, the 2d of May, at the Crown and Anchor
" Tavern, Strand."

" Reſolved, That Citizen Wharton be requeſted to take the
" chair on that day."

" Reſolved, That Citizens Thompſon, Chatfield, Wardle,
" and W. Sharpe, be requeſted to accept the office of ſtewards
" on that day."

" They being preſent accepted of the ſaid office."

Mr. Attorney General. I read that entry becauſe I ſhall preſently offer to your Lordſhip in evidence what was done at Sheffield upon the public faſt.

(*The following entry was read from the books of the Society for Conſtitutional Information.*)

" At a meeting of the Society for Conſtitutional Informa-
" tion at the Crown and Anchor Tavern, Friday, March 28th,
" 1794."

[*Vide Hardy's Trial, vol.* 2. *page* 105.]

Mr. Attorney General. I dont find the word Citizen in the book before the 21ſt of March, 1794. I will now call Mr. Maclean to prove the finding in Mr. Adams's poſſeſſion a letter from Mr. Hardy, ſtating the names of thoſe members whom they delegated to the Conſtitutional Society, according to the laſt order, to invite them to ſend to this Society next Friday a delegation of ſome of their members.

Mr. Thomas Maclean. I found this paper in the poſſeſſion of Mr. Adams.

(*It was read.*)

" CITIZEN, " *April 3d*, 1794.

" I am directed to ſend to the Society for Conſtitutional In-
" formation the following reſolutions of the Committee of the
" London Correſponding Society, April 3d, 1794."

" Reſolved, That Matthew Moore, John Baxter, John Thel-
" wall, Richard Hodgſon, and John Lovett, members of this
" Society, are appointed to hold a conference with ſuch mem-
" bers of the Society for Conſtitutional Information as they
" ſhall think fit to appoint, at ſeven o'clock to-morrow even-
" ing, the 4th April."

" THOMAS HARDY, Secretary."

Addreſſed, " *D. Adams, Secretary to*
" *the Society for Conſtitutional Information.*"

(*The*

(The following entry was read from the book of the Society for Conſtitutional Information.)

" At a meeting of the Society for Conſtitutional Information, " at the Crown and Anchor Tavern, Strand, Friday, April 4, " 1794."

[*Vide Hardy's Trial, vol. 2. page* 108.]

Mr. John Gurnell. I found this paper in Mr. Hardy's poſſeſſion.

Mr. Attorney General. This is a paper found in the poſſeſſio of Mr. Hardy, but it ſeems neceſſary I ſhould prove it to be his hand-writing; it appears from the book, your Lordſhip obſerves, that he was preſent on the 4th of April, 1794; this paper ſtates what paſſed upon the 4th of April.

Alexander Grant (ſworn.)

Examined by *Mr. Soliciter General.*

Q. Look at that paper—can you tell whoſe hand-writing it is?

A. I cannot, I never ſaw this before; I cannot ſwear to the hand-writing.

Q. Whoſe hand-writing do you believe it to be?

A. I cannot ſay—I do not know that I ever ſaw it.

Q. Do you know Thomas Hardy?

A. Yes, very well.

Q. Did you ever ſee him write?

A. Frequently.

Q. Now look at the paper, and ſay whoſe hand-writing you believe it to be?

A. I cannot ſay.

Q. Do you believe it to be his hand-writing?

A. I cannot ſwear that it is his hand-writing; if I ſaw his name I could tell better.

Lord Chief Juſtice Eyre. You have ſeen him write?

A. Yes.

Lord Chief Juſtice Eyre. From the knowledge you have acquired of his manner of writing, do you or not believe that to be his hand-writing?

A. It is ſo different from what I have ſeen before of his hand-writing, that I do not believe it is his.

Mr. Attorney General. I wiſh to apologize to your Lordſhip for this examination—the witneſs ſwore to it before.

Grant. I ſaid then I could not ſwear to it.

Lord Chief Juſtice Eyre. The queſtion put to you is—whether, from having ſeen Hardy write, you have ſuch a knowledge of his manner of writing, as to be able to form a belief that it is his hand-writing or not?

A. I cannot ſay that it is his hand-writing, for I did not ſee him write it.

Lord Chief Juſtice Eyre. You ought to know that is not the queſtion aſked you—you are not aſked, whether he did in fact write it or no, but whether you believe, from the knowledge you have of his hand-writing, that it is his hand-writing or not?

A. There is a ſimilarity of hand.

Mr. Solicitor General. You have ſaid that you don't believe it to be his—do you abide by that or not?

A. I beg to look at it again—it is certainly like his hand-writing, but I cannot ſwear to it.

Q. You have told the Jury that you do not believe it to be his hand—I aſk you, whether you abide by that anſwer?

A. I cannot ſwear that it is his hand-writing; there is a ſimilarity.

Q. You muſt tell us, whether you abide by what you ſaid—you told the Jury you did not believe it; do you ſay that again; becauſe, if you do, it is very well; you have a right to judge for yourſelf.

Mr. Tooke. It will be very difficult for him to abide by his opinion; for he has ſaid both ways; that he did believe it to be ſimilar, and that he did not; but we do not object; I have no objection to Mr. Attorney General's diſcrediting his own evidence,

dence, but I have no objection to admit this as evidence, and to the papers being put in.

Lord Chief Juſtice Eyre. I cannot do that; I muſt ſee that what is admitted is evidence to which no objection occurs to me.

Grant. I can only ſay, it is very like the hand-writing of Mr. Hardy; I cannot ſwear to it.

Mr. Attorney General. I will now read an entry from the book of the Society for Conſtitutional Information, of the 11th of April, 1794.

(It was read.)

[*Vide Hardy's Trial, vol.* 2, *page* 109.]

Mr. Thomas Maclean. I found this paper in the poſſeſſion of Mr. Adams.

Mr. Attorney General. This paper is a rough draft of part of the reſolutions of the 11th of April, 1794. I will call Mr. Woodfall to prove whoſe hand-writing is in it.

Q. (*to Mr. William Woodfall.*) Whoſe hand-writing do you believe this to be?

A. I am a ſtranger to the hand-writing of the ſubſtance of the paper; but there are interlineations of the word "Society"—in two places, which I believe to be Mr. Horne Tooke's writing.

Q. Is there another interlineation of a few words, which have been ſtruck out again?

A. Yes; but I cannot ſpeak to the hand-writing.

Mr. Tooke. I believe I have written the word "Society" here twice.

Mr. Solicitor General. Mr. Shelton, you will read this paper, and you will take notice, that there is a word with a line drawn round it.

(The rough draft was read.)

Mr. Tooke. Mr. Solicitor General, if you will give me leave, and I believe you will think it very proper, by the evidence you have produced, for me to explain this paper; and I hope I do not do wrong to point it out to you—my memory helps me in this reſpect; and, with that evidence which you have heard, enables me to ſay, that this is plainly a very idle buſineſs, done to ſave the Secretary trouble——

Mr. Attorney General. I ſhould be ſorry to interrupt——

Lord Chief Juſtice Eyre. This is obſervation upon the evidence.

Mr. Tooke. Your Lordſhip will ſee it is not obſervation——

Mr. Attorney General. It gives me great pain to interpoſe—but that cannot be permitted to come from a Gentleman becauſe he takes an active part in his own cauſe, which ſhould ſhut the mouth of his Counſel.

Mr. Gibbs. As to the Gentleman himſelf taking a part in this cauſe, it is utterly impoſſible for any Counſel to poſſeſs himſelf of this cauſe.

Mr. Attorney General. I am ſure I can rely upon the candour of Mr. Gibbs, ſo far as to do me juſtice in the ſituation in which I ſtand—if he will inform me, that, in his judgment, there is the leaſt degree of impropriety in my interpoſing, I will not interpoſe again during the whole of the cauſe.

Mr. Gibbs. I certainly never will give my judgment upon any impropriety of yours——

Mr. Tooke. If the Attorney General will pleaſe to caſt his eye upon this paper, he will find I am not making obſervations, or doing any thing improper—he will ſee that words, which were evidently taken from this paper, have been read as a part of it, which ought not to have been read as a part of it; and I am going to explain how it happened, that this difficulty aroſe—I am not going to make exception to any thing that paſſed, but that, in a paper the Clerk has read, words have been read (not improperly in him) which make no part of the paper—there are two ways of eraſing from any writing, that which you don't mean ſhall make a part of it—one is, by ſtriking your pen through the word you mean to eraſe—another is, by encircling

it

it with a line; this is encircled, and yet it is read as if it was part of this paper—you might as well read the erasure of a paper that is erased one way, as the erasure of a paper that is erased another way—this is the only thing I was going to remark, to shew you, that this was an erasure, and how it happened.

Lord Chief Justice Eyre. This is not a proper time to do that—but your observation upon reading it, if it appears to you not to have been properly read, is fair and right—because it ought to be properly read—you say there appear to be words struck out, and other words put in over, don't you; and you conceive the words put in over ought not to be read.

Mr. Tooke. No.

Lord Chief Justice Eyre. The paper is to be read as it is; and if there are words that are struck out, and other words put in; or, if there are words put in in parts, without striking out the other words, yet the whole of the paper must be read, and must be seen, and then it will be for the judgment of the Jury, what is the real paper taken altogether, and which cannot be determined properly by any body but the Jury.

Mr. Attorney General. Your Lordship will permit me to put the Court in mind, that Mr. Solicitor General, when he put the paper into the hands of Mr. Shelton, desired him to take notice where there was a word with a line drawn round it.

Lord Chief Justice Eyre. The paper is to be read, and with that word scored all round it—whether that word ought to be taken as part of the contents of the paper, or ought not to be taken as part of the contents of the paper, will be for the judgment of the Jury.

Mr. Attorney General. I only wish now to say, by way of explaining myself, that I desire to have the fact known to your Lordship and the Jury, what words were scored round, without saying, in this stage of the cause, that I have any observation to make upon that fact, but I wished to have that fact ascertained.

Mr. Shelton. I mentioned, as I read the paper, that the words were scored round.

One

One of the Jury. We ſhall be glad to underſtand what words are ſcored round.

(*The paper handed to the Jury.*)

Mr. Tooke. By the very queſtion of the Jury I am perfectly ſatisfied that what I was going to ſay would have been uſeful to Mr. Attorney General, to the Court, and on every ſide, and it was not meant by way of obſervation.

Lord Chief Juſtice Eyre. If it is now to explain the appearance of the paper, that certainly is breaking in upon their caſe.

Mr. Tooke. I ſubmit to your Lordſhip, that it is no ſuch thing, and if Mr. Attorney General had not miſtaken my object, I ſhould in one minute have ſaved all this time; which is my chief object. Your Lordſhip has before you two papers inſtead of one. I am not making obſervations or explanations, except for the advantage of the Attorney General and the Court, and I believe I am not breaking in upon any rule of law; I did it merely to ſave time, for it is no object to me; it is, in fact, two papers—it is a report of the Committee, and a reſolution of the Society. By encircling the word *Convention* with a line, that copy ſerves for two copies. With the word Convention *in*, it is the report of the Committee—With the word Convention *out*, it is the reſolution of the Society—that was all I was going to ſay.

Lord Chief Juſtice Eyre. There is no ſort of objection to your explanation, but that it is explanation by obſervation upon the evidence, and therefore ſhould have made part of your caſe; but I agree that your obſervation is fair, and probably is well-founded.

Mr. Attorney General. This mode of conducting a cauſe makes it neceſſary for me to go perhaps a little out of order too. I meant, by calling your Lordſhip's attention to thoſe words, being ſcored round, to apprize the Court of the fact. I ſay no more now, than that I have a great deal to obſerve upon that very fact.

Lord

Lord Chief Juſtice Eyre. I have no doubt at all that you have, it is certainly open to obſervation.

Mr. Solicitor General. I am now going to produce a letter of the 10th of April, 1794, from Hardy, which is mentioned in that minute.

Q. (to Mr. Maclean.) Where did you find that paper?

A. In the poſſeſſion of Mr. Adams.

Q. (to Alexander Grant.) You ſay you have ſeen Mr. Hardy write; look at the ſignature to this letter, and tell me whether it is his hand-writing?

A. I believe it is.

(A Letter from Thomas Hardy, to Daniel Adams, dated the 10th of April, 1794, read.)

[Vide Hardy's Trial, vol. 2. page 110.]

Mr. Solicitor General. This is a printed circular letter of the London Correſponding Society, which was found in the poſſeſſion of Mr. Saint, at Norwich.

Mr. James Walſh. I found this printed letter in the poſſeſſion of Mr. Saint, at Norwich.

(Circular Letter, ſigned Thomas Hardy, read.)

[Vide Hardy's Trial, vol. 1. page 404.]

Mr. Attorney General. Here is a bundle of the ſame papers; I ſhall call Mr. Lauzun to prove where he found them.

Mr. Edward Lauzun. I found theſe papers in Mr. Hardy's houſe.

Mr. Attorney General. I am now going to read a letter which was found in the cuſtody of the ſaid Mr. Hardy, from Alexander Mitchell, Secretary to the Society at Strathaven, ſtating that he had received a circular letter reſpecting a Britiſh Convention to be held in England, and that they had appointed a Delegate to attend it.

Mr. Edward Lauzun. I found this paper in Mr. Hardy's houſe.

(*Letter from Alexander Mitchell, to Thomas Hardy, dated Strathaven, 9th of April, 1794, read.*)

[*Vide Hardy's Trial, vol.* 1. *page* 406.]

Mr. Attorney General. The Norwich Society, your Lordſhip recollects, was aſſociated with the Conſtitutional Society. I ſhall now prove that they came to a reſolution to ſend Delegates to the Britiſh Convention as ſoon as called for.

Q. (*to Mr. Walſh.*) Where did you find this book?

A. At Mr. Saint's, at Norwich.

(*The following entry was read from the ſaid book.*)

" *Monday, February 24th, 1794.*

" At a General Meeting of Delegates, held at Paſtle Cellar,

" It was unanimouſly reſolved, That one or more Delegates " ſhould be ſent to the next general Convention, ſo ſoon as called " for by our London Correſpondents."

Mr. Attorney General. I am now going to read a letter dated April the 24th, 1794, from Briſtol, to the London Correſponding Society, relative to this object of calling a General Convention.

Mr. John Gurnell. This paper I found in the poſſeſſion of Mr. Hardy.

(*Letter from the Briſtol Conſtitutional Society to Thomas Hardy, dated the 24th of April, 1794, read.*)

[*Vide Hardy's Trial, vol.* 1, *page* 409.]

Mr. Attorney General. The next is a letter from the Society at Newcaſtle, to Hardy, dated the 24th of April, 1794, which

deſires an anſwer to be directed to James Smith, Joiner, to the care of Mr. Hunter, Publican, Butcher Bank. I will call Mr. Gurnell to prove in whoſe poſſeſſion he found this letter; and then I will read the anſwer to it.

Mr. John Gurnell. I found this paper in Mr. Hardy's houſe.

(*Letter dated Newcaſtle-upon-Tyne, 24th April, 1794, addreſſed Mr. Harding, No. 9, or 19, Piccadilly, London.*)

[*Vide Hardy's Trial, vol. 1. page 407.*]

Mr. Attorney General. Here is a paper which has indorſed upon the back of it—"Copy of an anſwer to Newcaſtle-upon-"Tyne, addreſſed to John Smith," &c.

Mr. John Gurnell. I found this paper in the poſſeſſion of Mr. Hardy.

Mr. Attorney General. I read this paper to prove that this is a communication of their intention relative to a Convention; and likewiſe it is a declaration under the hand of Thomas Hardy, that the Committee of Correſpondence and Co-operation, which your Lordſhip ſees had been appointed upon the 11th of April, met twice a week.

(*Anſwer dated the 1ſt of May, 1794, to the letter from Newcaſtle-upon-Tyne, dated April the 24th, 1794, read.*)

[*Vide Hardy's Trial, vol. 1. page 408.*]

Mr. Attorney General. I will now prove a letter from the Secretary of the Sheffield Conſtitutional Society, which was found in the poſſeſſion of Mr. Thelwall, whom your Lordſhip will recollect to be one of the Committee of Correſpondence and Co-operation. It ſtates the proceedings of a meeting in the open air at Hallifax, of perſons from Leeds, Wakefield, Huddersfield and Bradford, to conſider on the meaſures to be adopted preparatory to a General Convention, and deſiring the directions of the London Correſponding Society.

Mr.

Mr. William Tims, (sworn.)

Mr. William Tims. I found this paper on the person of Mr. Thelwall.

(*Letter dated Sheffield, May 11th, 1794, signed William Broomhead, Secretary, read.*)

[*Vide Hardy's Trial, vol. 1. page 413.*]

Mr. Attorney General. I am now going to prove an entry in the account book Mr. Adams spoke of upon the 14th of March, 1794.—"Cash paid Thelwall, by order, six guineas." Your Lordship recollects, that I have proved the address of the 20th of January; I am going to explain that evidence by a short letter of Mr. Thelwall's, found in the custody of Mr. Adams, the substance of which letter is, that he sends for a list of the members of the Society for Constitutional Information, at the request of Citizen Tooke, and at the request of the same he desires six guineas, which is the sum mentioned in this book to be paid to him for printing the last 2500 Addresses.

Mr. Thomas Maclean. I found this paper in the possession of Mr. Adams.

(*The following extract was read from a book containing the general receipts and disbursements of the Society for Constitutional Information.*)

"Friday, 14th March, 1794, cash paid Thelwall, by order, "six guineas."

(*The letter was read.*)

"CITIZEN,

"Be kind enough to let my boy have a list of the Society "for Constitutional Information (at the request of Citizen "Tooke)

" Tooke) when I ſend him to-morrow; alſo, by the requeſt " of ſame, ſix guineas for printing the laſt 2500 Addreſſes, &c.

" Yours,

" I. THELWALL."

Addreſſed " *Mr. D. Adams.*"

Mr. Attorney General. I have read, out of the Conſtitutional Society's book, a reſolution of the 21ſt of March, 1794, which is in theſe words—" Reſolved unanimouſly, That the Secretary " of this Society be directed to write to the Friends of Peace " and Reform at Sheffield, and to aſſure them that this Society " views with pleaſure their ſteady exertions to obtain a fair " repreſentation of the people in parliament, and the proper " methods which they have taken to employ uſefully thoſe " days which may be appointed for public faſts." I will now call a witneſs to prove his finding, in the poſſeſſion of Mr. Hardy, an account of the proceedings upon the Faſt-day at Sheffield, together with a reſolution of the Correſponding Society, and a reſolution of the Conſtitutional Society, printed together.

Mr. Edward Lauzun. This is one of the books I found in Mr. Hardy's houſe.

(It was read.)

[*Vide Hardy's Trial, vol. 2. page 219.*]

William Broomhead, (ſworn.)

Examined by *Mr. Law.*

Q. Were you a member of the Conſtitutional Society at Sheffield?

A. Yes.

Q. Were you Secretary to that Society?

A. Yes, for about five months.

Q. You were Secretary up to the month of May laſt, I believe?

A. Yes,

A. Yes, when I was taken up.

Q. Did you know a perſon of the name of Yorke, otherwiſe called Redhead?

A. Yes.

Q. Did he attend the meetings of that Society?

A. Frequently he did attend.

Q. Was Yorke a ſettled inhabitant of Sheffield, or only an occaſional comer there?

A. Only occaſional.

Q. Do you remember a meeting held on the Caſtle Hill at Sheffield?

A. Yes.

Q. When was that?

A. I was at that meeting.

Q. I believe it was on the 7th of April?

A. Yes, I was at that meeting.

Q. Do you remember having any converſation with Yorke, prior to that meeting, in which the buſineſs of that meeting was arranged between you, Yorke, and any other perſon?

A. I do recollect a meeting of that ſort, but I do not recollect all the particulars that might be diſcourſed upon.

Q. Was Gale preſent at that meeting?

A. Yes.

Q. Were there any body but Gale, Yorke, and you at that meeting?

A. I think there might be ſeveral more, but I do not recollect particularly their names.

Q. You are an aſſociated member, I believe, of the Conſtitutional Society in London; are you not?

A. I ſuppoſe I was ſometime back.

Q. What was ſettled to be done at the meeting on the Caſtle Hill, which was to be held upon the 7th of April?

A. The reſolutions were drawn up, and it was agreed that an addreſs, or the ſubſtance of what was to be delivered there, ſhould be wrote by Mr. Yorke.

Q. Was any addreſs to Parliament agreed to be propoſed?

A. No, to the King.

Q. Was

Q. Was there any agreement reſpecting the propoſing any addreſs to Parliament?

A. That motion was made, but it was negatived.

Q. Was there no arrangement between you, Yorke, and Gale reſpecting the negativing that motion, prior to the time of its being made?

A. It was ſo ſettled, but I had no voice in it.

Q. Between whom was it ſettled that there ſhould be a propoſition at this meeting made for addreſſing Parliament; and that that propoſition ſhould be negatived when made?

A. There were Yorke and Gale, but I ſuppoſe that was ſettled, as it was determined to petition the King.

Q. You ſay it was ſettled between Yorke and Gale, that ſuch a propoſition ſhould be made, and ſhould be negatived?

A. Yes.

Q. Who was to make that motion?

A. They ordered me to make the motion for addreſſing Parliament.

Q. Did you afterwards at the meeting held on the 7th of April, in conſequence of this agreement, make that motion?

A. I did.

Q. Do you recollect what were the terms of the motion that you made?

A. That a petition ſhould be drawn up to the Houſe of Commons, praying for a Reform in the Repreſentation of the People.

Q. Upon your making that motion, what paſſed amongſt the people aſſembled?

A. It was oppoſed.

Q. Did any body ſecond it?

A. No, I think it was not ſeconded, to the beſt of my recollection it was not.

Q. In what manner was that motion received by the perſons aſſembled, with applauſe, or diſapprobation, or how?

A. The people in ſuch meetings generally wait for the countenance of the leaders of the meeting very frequently.

Q. I aſk you what paſſed; how was your motion received?

A. I do not recollect that there was either approbation or diſapprobation ſhewn by the people themſelves, but it was oppoſed, I ſuppoſe, previous, or rather before they might ſhew either their approbation or diſapprobation.

Q. And not being ſeconded it fell to the ground?

A. Yes.

Q. And that had been previouſly ſettled between Gale and Yorke?

A. Yes.

Q. Do you remember the ſpeech that was made upon that occaſion by Yorke?

A. I remember he did make a ſpeech, but I cannot recollect the ſubſtance of it.

Q. Was that ſpeech publiſhed?

A. It was.

Q. (*to Mr. Maclean.*) Where did you find this paper?

A. I found it in the poſſeſſion of Mr. Adams.

Mr. Law. (*to William Broomhead.*) Did you ſend any number of theſe printed pamphlets to Mr. Adams?

A. Yes, in a box.

Q. By whoſe orders?

A. The perſons that conferred about the meeting.

Q. By Yorke and Gale?

A. Yes, and others; I ſent them to Mr. Hardy.

Q. To Adams—was it not?

A. I might ſend to both.

(*Extracts read from a printed pamphlet, entitled, Proceedings of the Public Meeting held at Sheffield, in the open air, on the 7th of April*, 1794.)

[*Vide Hardy's Trial, vol.* 2. *page* 188.]

William

William Broomhead,

Croſs-examined by *Mr. Gibbs.*

Q. You were one of this Society at Sheffield?

A. Yes.

Q. Had your Society any views of overturning the Government by force?

A. No; not that I know of.

Q. Had any of thoſe, whom you were acquainted with, any idea of overturning the Government by force?

A. None, that I know of.

Q. Had they any idea, or intention, of attacking the perſon or character of the King, in this Conſtitution?

A. No; they had not.

Q. How were they affected to the King?

A. As well as any people in England.

Q. Had they any intention of overturning the Houſe of Lords, or of breaking in upon their authority in the State?

A. No; not to my knowledge.

Q. Had any, whom you knew, of the Society, any ſuch intentions?

A. No; not to my knowledge.

Q. None that you knew, of courſe, had?

A. No.

Q. What was the object of the Society?

A. A Reform in the democratical part of the Britiſh Conſtitution.

Q. What do you mean by the democratical part?

A. The repreſentative part in the Houſe of Commons.

Q. Your only object, then, was a Reform in that Houſe of Parliament?

A. It is all that I know of.

Q. You know of no other views in any of the Societies?

A. I know of no other views in any of the Societies.

Q. Was it the intent, of any you knew in this Society, to obtain even that end by force?

A. None that I know of.

William Broomhead,

Re-examined by *Mr. Law.*

Q. When it was agreed that they ſhould not petition Parliament, but your motion, for that purpoſe, was to be negatived, did you apprehend then that this Reform was to be obtained by the medium of Parliament?

A. That was ſettled amongſt a very few perſons, as I ſpoke of before.

Q. Do you apprehend that to have been the object of the perſons by whom it was ſettled, namely, Yorke, Gale, and yourſelf, to obtain it through the medium of Parliament?

A. If any perſons had thoſe evil views, it was unknown to me; and I am certain to the major part of the Society; if there were any individuals, either Yorke, Gale, or any other, it was unknown to us; but deference was paid to them in the ordering and conducting the affairs of the Society.

Q. What was your reaſon for being a party in this ſham motion?

A. There are many men, beſides me, that are not expert in Law and Government, and yet may agree with the honeſt views of their friends, or thoſe they look upon as their friends, conſidering them as ſuperior in underſtanding to themſelves; I was Secretary, and therefore it became my office more than my choice.

Q. To make ſham motions—anſwer my queſtion, why you was a party to that ſham motion?

A. I was a paſſive perſon, as being Secretary, and receiving a ſmall allowance on that account; I was paſſive in that particular, and was frequently told that I had no right to give my ſentiments.

Q. Do you know where Gale is gone?

A. I do not.

Q. You have not ſeen or heard any thing of him lately?

A. I have not.

Mr. Juſtice Lawrence. What were you frequently told?

A. I have been oppoſed giving my opinion and ſentiments alſo, as being Secretary; I have been told there that I had no right.

George

George Widdiſon, (ſworn)

Examined by *Mr. Law.*

Q. Were you a member of the Conſtitutional Society, at Sheffield?

A. Yes.

Q. When did you become a member of that Society?

A. It is better than two years ago.

Q. Of what particular Diviſion were you a member of in that Society?

A. We were not in Diviſions at that time.

Q. Afterwards, of what Diviſion were you a member?

A. I think it was Number One.

Q. Were you a Delegate of that Diviſion?

A. Part of the time.

Q. When were you elected a Delegate?

A. At the time that thoſe Diviſions were firſt formed, I believe.

Q. Do you recollect when that was?

A. I do not; I believe the books will explain it.

Q. Was it in 1792, or 1793?

A. I really do not know.

Q. Of what number might your Society, in the whole, conſiſt, to the beſt of your knowledge, at its largeſt number?

A. About ſix hundred regular members, I believe.

Q. How often were the meetings of your Society held?

A. Once a fortnight.

Q. On any particular day in the week?

A. There was a particular day adapted to each Diviſion; ours was, I think, on the Tueſday or Wedneſday.

Q. How often were the general meetings of the Society held?

A. They were not exactly the ſame; ſometimes they were regular, ſometimes not; they were about once a month, or once in ſix weeks.

Q. When did you firſt ſee Yorke at Sheffield?

A. Perhaps that might be near upon two years ago.

Q. Do you mean from the preſent time?

 A. Yes;

A. Yes; I think it is, or better than that.

Q. Then it was ſomewhere towards the latter end of the year 1792?

A. Yes; I think ſometime in that year.

Q. Did you ſee him at any meeting of the Society?

A. Yes; I have ſeen him at ſeveral.

Q. When did you firſt ſee him?

A. The firſt time I ſaw him, I think, was at a friend's houſe.

Q. Do you recollect when you firſt ſaw him in the chair at any of thoſe meetings?

A. The firſt time I ſaw him in the chair was, I believe, at a meeting in Queen-ſtreet; the only thing I can recollect it by was, that it was ſome few months after the execution of the King of France.

Q. That would then be, perhaps, the beginning of the year 1793?

A. Perhaps it was.

Q. Was Yorke generally in the chair?

A. He was, when he was at the meeting, generally in the chair.

Q. How long after you firſt ſaw him in the chair, did he continue at Sheffield?

A. I do not recollect that he ſtopped long after that—perhaps a few weeks.

Q. Had you occaſion to ſee him often?

A. Not very often at that time.

Q. Do you remember a meeting of the Society, held in the back fields, when any Delegates were elected?

A. Yes.

Q. Who were elected Delegates?

A. Mr. Brown was elected a Delegate.

Q. Where was he delegated to?

A. To the Convention at Edinburgh.

Q. Who was Brown?

A. When he firſt came to Sheffield he acted in the capacity of a player, and afterwards he took up that of an attorney.

Q. He

Q. He was delegated by your Society to Edinburgh, to the Convention?

A. Yes.

Q. Did he go?

A. Yes.

Q. Was he ſupported there, do you know; or were his family ſupported by your Society?

A. I believe both were.

Q. Do you remember Yorke lodging at the houſe of one Cawthorne?

A. Yes; very well.

Q. When was that?

A. The latter end of laſt March, I think.

Q. I believe you attended him when he was there?

A. Yes.

Q. In what capacity?

A. As his hair-dreſſer.

Q. Do you remember, about that time, having any converſation with Yorke reſpecting arms?

A. Not any there, to my knowledge.

Q. Where had you, and when was the firſt time?

A. At a Mr. Beal's, a grocer's, ſomewhere about Hollis's Croft.

Q. Did Yorke lodge at Beal's?

A. Yes.

Q. He ſhifted from Cawthorne's to Beal's?

A. He left Cawthorne's, and went, as I underſtood, upon ſome buſineſs to Mancheſter; when he came back, he went to Beal's.

Q. What did he ſay about arms—do you recollect pikes ever being mentioned?

A. Yes; we have frequently ſpoke about pikes.

Q. What particular converſation had you about them?

A. He ſeemed to agree upon the neceſſity of their being made.

Q. Did he give you any directions reſpecting the making any part of them?

A. Not direct.

Q. In what manner did he indirectly, if he did not directly, give you any?

A. He gave me to underſtand that Mr. Gale would take a dozen for his own defence, if I was to make any; whether he had the order from Gale, or heard any body elſe ſay that, I can-ſay.

Q. He told you Gale would take a dozen?

A. Yes.

Q. Did you make any for Gale?

A. Yes.

Q. What part of the inſtrument did you make?

A. The handle.

Q. How many did you make?

A. About a dozen, or a dozen and a half.

Q. What time was it you made theſe?

A. I cannot recollect the particular time; I think in the beginning of April.

Q. Did you ſhew any of theſe pikes to Yorke?

A. I took one with me, when I went to dreſs him one morning, to aſk his opinion of the form of it, and the length, whether it would do; he ſaid, he ſhould think it would do, or it would do.

Q. Have you any other employment than that of a hair-dreſſer?

A. Yes; a turner.

Q. Then you underſtood the manner of making the thing you was directed to make?

A. Yes.

Q. Did he give you any direction, as to the length of theſe pike-handles?

A. I cannot recollect that he did.

Q. What was the ſize of the pike-handle you carried with you to him?

A. About ſeven feet long.

Q. Was that the form and ſize which he approved?

A. Yes.

Q. Did

Q. Did you ever put on a pike-head to it in his preſence?

A. No.

Q. Have you fitted any to them yourſelf?

A. I was to have done, if I had gone forward with the buſineſs.

Q. Had you any converſation, from time to time, with Yorke, how you went on with them?

A. He aſked me, ſome few times, how I went on; if I had made any of thoſe handles, he aſked me ſome few times.

Q. Did he tell you where any pike-heads were left for them?

A. I do not recollect that he did.

Q. Where did you get the pike-heads, if you got any?

A. They were to come from one Daviſons's.

Q. Did you know whether any hoops were uſed about theſe pikes?

A. There were hoops put on at the end where the pike was put in at.

Q. Who provided thoſe hoops for the ſhafts you had made?

A. I provided thoſe hoops myſelf.

Q. Who gave you any direction, reſpecting thoſe hoops, where you were to get the materials of which they were made; were they iron?

A. I got them of the perſon that uſed to fit me with other iron-hoops that I had.

Q. Did you get them upon your own credit?

A. Yes.

Q. You did nothing further to them than make the ſhaft, and put on this hoop?

A. No.

Q. I believe you afterwards withdrew yourſelf from this Society?

A. Yes.

Q. Did you aſſign to Yorke your reaſons for withdrawing yourſelf?

A. I did.

Q. What converſation paſſed between you and Yorke, reſpecting your withdrawing yourſelf from this Society?

A. I told

A. I told him, one morning when I went to dreſs him, that I thought we were going too far, with reſpect to our proceedings; he aſked me in what; I told him in reſpect of Univerſal Suffrage.

Q. Did you, on account of your diſlike of their proceedings, withdraw yourſelf from being any longer a member of that Society?

A. Yes, not ſo much from any diſlike, as I was convinced in my own mind that it would carry us too far, by drawing in a greater number of people to give their voices for Members of Parliament before they were acquainted with the nature of the buſineſs.

Q. When did you withdraw yourſelf?

A. Sometime in April laſt.

Q. Had you any converſation with Daviſon about the pikes?

A. Yes, ſeveral times.

Q. What did Daviſon tell you reſpecting them?

A. I never underſtood any thing further from Daviſon than that they were made to defend ourſelves with at Sheffield.

Q. Did you underſtand what number had been made?

A. I did not; I rather think I was almoſt the firſt that made any handles.

Q. Did Daviſon, or any body elſe, ſhew you any of the pikes that were to be put upon thoſe ſhafts that had been prepared by any body?

A. I have ſeen pikes; there were two or three in my place.

Q. Deſcribe the ſize of them?

A. About eight inches in length, perhaps one inch and a quarter in the broadeſt part.

Q. But your's had not been fitted on?

A. No.

George Widdiſon,

Croſs-examined by *Mr. Gibbs.*

Q. Were you, in thoſe proceedings at Sheffield, an enemy to the King or to his authority?

A. No, God forbid that I ſhould.

Q. Do

Q. Do you know of any that were concerned in this Society who had any intent to attack the power or the perſon of the King?

A. Not to my knowledge there was not.

Q. Would you have continued in the Society if you had had any apprehenſion that ſuch were the intentions of it?

A. I would not.

Q. You talked of Univerſal Suffrage—what was the plan upon which your Society generally went—whoſe plan was it?

A. It firſt originated with what was drawn up by the Duke of Richmond.

Q. This letter has been ſhewn you before, from the Duke of Richmond to Colonel Sharman.—Was that the letter frequently read in the Society, and upon which the Society in general acted?

A. It is; that is the letter, and I believe that was the general idea that we at that time all adhered to, becauſe we thought there would be no other plan ſo effectual, to make the Houſe of Commons what it was originally intended it ſhould be by the Conſtitution.

Q. Your object was, that the Houſe ſhould be what it was originally intended it ſhould be by the Conſtitution?

A. Yes.

Q. Had you any idea of producing this reform by force?

A. I had not; nor I did not underſtand that any ſuch plan was in agitation.

Q. You ſay you afterwards withdrew yourſelf from the Society?

A. Yes.

Q. I think you ſaid the only ground for withdrawing yourſelf was, that you altered your opinion as to the expediency of Univerſal Suffrage?

A. I did.

Q. And was that the only ground of your withdrawing yourſef?

A. Yes, the principal one.

Q. You have been aſked about theſe pikes—you ſay ſome one told you that a man of the name of Gale would take a dozen

a dozen of the pike-ſhafts from you if you would make them: —Were theſe pikes to be made for any other purpoſe than for defending yourſelves from any attacks, which you had reaſon to think the other party would make upon you, at Sheffield?

A. I believe they were never intended for any other purpoſe; I remember, in particular, that Gale's houſe had been attacked once, or more, by a great number of people, when ſome particular news was come to town; they ſwore vengeance againſt him, on account of his paper, and ſeveral of his friends were then obliged to defend his houſe—ſeveral were ſolicited to come on that account.

Q. And it was on that account you think that theſe pikes were provided to defend him and his friends from ſimilar attacks?

A. I underſtood it in that light; and I believe, from whatever I knew of Gale, that he was too honeſt a man to have any other intention himſelf.

Q. But you know that this attack was made upon him?

A. I cannot ſay I was an eye-witneſs to it, but I had it from reſponſible witneſſes that did know it and ſaw it.

Q. It was publicly known in the town that ſuch a thing did paſs?

A. Yes, and there were butchers and other people threatened my houſe and more.

Q. Whether you have not heard people of the oppoſite party at Sheffield declare, in terms, that if there ſhould be an invaſion they would firſt fall upon you?

A. Yes, I have.

Q. Do you, in your conſcience, believe, that the only cauſe for talking of and preparing thoſe few pikes, was becauſe an attack was really apprehended from the other party upon Gale, and thoſe who were of his opinions?

A. I believe that was the only ground that ever they were made at all, as far as ever I could learn.

Q. Do you recollect any inſtance when the houſe in which you live yourſelf was attacked and threatened?

A. I cannot ſay I do.

Q. Had

Q. Had you any idea either of your own, or do you conceive from any thing you have heard from any of the people who belonged to this Society, that theſe pikes were to be employed for any purpoſe againſt the power of the Government?

A. No, I never underſtood it in that light; becauſe the rabble that was among us the Government had little concern in; I believe Bamford, Thomas Penn, and another fellow were the principal cauſe of it all.

Q. Pray who is that third perſon that you ſpeak of?

A. I believe the man at Dronfield—a parſon.

Q. Why do you think him the cauſe of it?

A. From the inflammatory letters that he publiſhed in the Sheffield paper, called the Courant.

Q. What was the purpoſe of theſe letters?

A. Recommending to the party called by the name of Ariſtocrats to take up arms and exterminate us.—There is a book of mine, I believe, now in the Privy Council, which points to this particular paper, where this inflammatory letter appeared.

Q. A book that was ſeized in your houſe, that contains an account of theſe very papers that you ſpeak of?

A. Yes, the principal ones of them.

George Widdiſon,

Re-examined by *Mr. Law.*

Q. You ſaid, I think, there were ſome perſons who threatened you that in caſe there was an invaſion they would firſt fall upon you?

A. Yes.

Q. Will you name thoſe perſons who did threaten you that in caſe there was an invaſion they would fall upon you—Name any of them.

A. I can only recollect one, becauſe we had ſo many of theſe wranglings and diſputes about politics and the kind that I cannot charge my memory to ſwear to any one perſon but one, and that one is a perſon who is now in the aſſociation at Sheffield.

Q. What is his name?

A. William

A. William Frith.

Q. Was any body by when he threatened you in this way?

A. I cannot ſay; this was at his own houſe.

Q. When was it?

A. Some time before the armed aſſociation began.

Q. How long ago was it?

A. Above a twelvemonth ago, I rather think, or pretty near.

Q. No pikes were prepared, I think, till about March laſt?

A. No.

Q. So that threat did not very much frighten you?

A. I cannot ſay it did at that time, but I have been frequently told by other people that the ſame threat was made uſe of; but I cannot charge my memory with any perſon making uſe of that threat but him, though I have had that threat, and ſimilar ones, made uſe of in different companies I have been in.

Q. Do you remember any perſon that threw out thoſe threats in the different companies you have been in?

A. I cannot ſay I can particularly.

Q. I aſk you to recollect the name of any perſon that threw out thoſe threats in the different companies you have been in?

A. As I never expected theſe matters would be called into a Court of Juſtice—I never paid that particular attention to the people who made uſe of them; it was from the general tenor of the converſation that paſſed that I ſpeak of theſe things.

Q. Did you or Gale, or any perſons who might be the object of theſe threats, ever apply to any magiſtrate for protection?

A. No, I cannot ſay that I did, becauſe it was ſeldom that they could have that juſtice done to them which they expected.

Q. Does not Mr. Wilkinſon, a magiſtrate, reſide very near the town of Sheffield?

A. Yes.

Q. When you had lately a riot, did not he come into town at the head of ſome dragoons and reſtore peace there?

A. There was no diſturbance.

Q. Was

Q. Was not a houſe began to be pulled down, and ſet fire to; and was there not a perſon executed for that crime?

A. Yes, that was after the riot began; there was no riot till Mr. Wilkinſon brought the ſoldiers in.

Q. So Mr. Wilkinſon and the ſoldiers made the riot?

A. It began on that very day.

Q. Then they ſet fire to that houſe?——

Mr. Gibbs. He has not ſaid Mr. Wilkinſon ſet fire to this houſe; he is your own witneſs, and he is not to be examined in this way.—I humbly beg your Lordſhip's protection of the witneſs, or, I ſhould rather ſay, protection of the gentleman at the bar; Mr. Law is putting in the mouth of the witneſs that Mr. Wilkinſon and the dragoons made that riot, and ſet fire to the houſe; that, I humbly conceive, is not the way in which a Counſel, examining a witneſs, ought to put words into his mouth.

Mr. Law. I am not putting into the mouth of this witneſs, nor will I ſuggeſt to this witneſs, or any other, to ſay that which is not the truth; but I aſked this witneſs (who takes upon himſelf to ſtate that there was no riot in the town till Mr. Wilkinſon and the dragoons came) whether they occaſioned the riot. I have aſked to a fact which is notorious to the witneſs, and perfectly ſo to myſelf, having been concerned in the proſecution, whether a houſe was not ſet on fire, and a man executed for it.—I aſk him whether he meant to impute to Mr. Wilkinſon and the dragoons any participation in that miſchief?

Lord Chief Juſtice Eyre. The objection was, that inſtead of aſking whether Mr. Wilkinſon and the dragoons ſet the houſe on fire, you ſtated to the witneſs—"Then they ſet fire to that "houſe;" that is not a way of aſking a queſtion.

Mr. Gibbs. My friend ſtated it as if the witneſs had ſo ſaid.

Mr. Law. I aſked him if he did ſay ſo.

Lord Chief Juſtice Eyre. Indeed you did not put it as a queſtion.

Mr. Law. You have ſaid there was no riot till Mr. Wilkin-

ſon and the dragoons came—Do you mean to ſay that the riot was occaſioned by them?

A. I believe they principally occaſioned it; there was none before they came.

Lord Chief Juſtice Eyre. Do you mean that that provoked the people in the town to make the riot, or, that Mr. Wilkinſon and the dragoons made the riot themſelves?

A. The taking-in the commons was the principal cauſe of it; the people roſe, and oppoſed the magiſtrates in doing it; they brought in troops for the purpoſe of protecting them in doing it; that enraged the minds of the lower people in Sheffield, and they were diſſatisfied with Mr. Wilkinſon for bringing the troops in.

Mr. Law. You ſaid you could not have that juſtice done to you which you expected—Did you ever apply for juſtice, or for protection, to any magiſtrate reſident in or near Sheffield, and were refuſed?

A. There have been applications; I myſelf have applied for it, and been refuſed: I applied to Mr. Wilkinſon for it, and when the cauſe came to be heard, Mr. Wilkinſon was not upon the bench, and Mr. Athorpe decided it——I was in a public-houſe, we happened to have a diſpute upon politics as uſual, and we got from one thing to another till we had a quarrel, or miſunderſtanding, between us; at laſt the greateſt part of them ſet upon me; they tumbled me down ſtairs, ſhook the money out of my pocket, and ſpent it: Mr. Aſthorpe connived at the buſineſs, when they tendered the money before him upon the bench, and threatened to ſend me to the pillory if I came to him any more to complain of ſuch a buſineſs.

Q. You ſaid you had merely proceeded on the Duke of Richmond's plan?

A. Yes.

Mr. Gibbs. Did you ſay they tendered the money before the Juſtice?

A. Yes.

Mr. Law. Whether the works of Paine were not read in your Society?

A. Yes,

A. Yes, ſome part of them have been read there.

Q. You did not proceed upon his plan?

A. No; we approved of a great part of his works, becauſe it was wrote upon the principles of liberty and freedom, and ſo on, but there were great parts of it which none of us underſtood, nor I do not think he himſelf did.

Q. Did you proceed upon his plan or the Duke of Richmond's?

A. We went upon the Duke of Richmond's plan from the firſt beginning, and we ſtrictly adhered to that.

Q. And did not deviate into Paine's plan?

A. No.

Mr. Gibbs. You approved the Duke's plan, and likewiſe of ſo much of Paine's works as fell in with that plan?

A. Yes.

Q. You ſaid, at the time that you attended the Juſtices, the people that got this money offered it you again?

A. Yes; they paid it down before the Juſtices, and he returned it to me himſelf.

Mr. Solicitor General. This witneſs has mentioned the converſation with Daviſon upon the ſubject of arms, I will now prove a letter from Daviſon, upon the ſame ſubject, found in the poſſeſſion of Hardy.

Q. (*to Mr. Gurnell.*) Where did you find this paper?

A. I found it in the poſſeſſion of Mr. Hardy.

(*Letter dated Sheffield, April the 24th, 1794, ſigned Richard Daviſon, addreſſed Citizen Hardy, read.*)

[*Vide Hardy's Trial, vol. 2. page* 144.]

Mr. Solicitor General. There was another letter to the Norwich Patriotic Society, from the ſame perſon, encloſed in that letter, which was alſo found at Hardy's.

Q. (*to Mr. Gurnell.*) Where did you find this paper?

A. This I found alſo in Mr. Hardy's poſſeſſion.

(*Letter, ſigned Richard Daviſon, addreſſed to the Secretary of the Norwich Patriotic Society, read.*)

[*Vide Hardy's Trial, vol. 2, page 145.*]

Lord Chief Juſtice Eyre. (*to Widdiſon.*) What buſineſs did Daviſon follow?

A. A Printer.

Mr. Solicitor General. Your Lordſhip will recollect, that in the proceeding of the 28th of March, 1794, a letter from the Secretary of the Correſponding Society, to the Society for Conſtitutional Information, dated the 27th of March was read, in which there was this poſtſcript:—"I have to inform you that a "general meeting of the Society, will be holden on Monday "the 14th of April, the place to be announced by public ad-"vertiſement." Your Lordſhip will alſo recollect that Mr. Martin was a member of this Society, propoſed by Mr. Tooke, and that the letter of thanks, written by him upon that occaſion, was corrected by Mr. Tooke. I am now going to produce to your Lordſhip, the paper which was prepared by that Mr. Martin, of reſolutions to be entered into on the 14th of April—they are not the ſame as were actually entered into, but they were prepared by him for the purpoſe of being entered into upon that day.

Mr. Gibbs. It has been determined, I believe, that in order to ſhew a general plot, any thing found in the poſſeſſion of any man living may be given in evidence—there is no doubt that in this way it is evidence.—The ground upon which the Court has decided, I apprehend, that this is evidence, and upon which certainly it is admiſſible; according to the deciſion they have come to is, that Martin was a member, and every thing, therefore, that he has ever done, ſince he was a member, is evidence againſt Mr. Tooke.

Lord Chief Juſtice Eyre. To ſtate it correctly, every thing that he has done (he being a member) that has relation to this

general

general ſubject is evidence reſpecting that general ſubject—it is a different propoſition to ſay any thing done by him is evidence.

Mr. Gibbs. Any thing is admiſſible evidence they can ſhape to this caſe, not only the acts of the members of this Society, but of any man in the world———

Lord Chief Juſtice Eyre. The acts of any man that is proved to have taken a part in the general tranſaction are evidence.

Mr. Gibbs. Whether it affects Mr. Tooke or no.

Lord Chief Juſtice Eyre. Whether it affects Mr. Tooke or no.

Mr. Gibbs. What I wiſh, is to ſhut out occaſional obſervations in the courſe of the evidence.

Mr. Tooke. I beg to ſay, that I believe my learned Counſel was by the altercation beat out of the remark he at firſt made, and the thing he objected to—Mr. Solicitor General prefaced an account of the paper which he was going to have read, with Mr. Martin's being a member of the Society for Conſtitutional Information, and that he had been nominated by me, without mentioning the time when he was nominated by me as a member of the Conſtitutional Society—he prefaces the introduction of this letter, which is of a very late date, with the circumſtance of Mr. Martin's being a member of the Society for Conſtitutional Information, and that he was nominated by me—I underſtand the putting them cloſe together without remarking the dates, to have been Mr. Gibbs's original objection.

Lord Chief Juſtice Eyre. That was not the original objection, but is a very proper improvement of it, and it is very fair.

Mr. Gibbs. My objection was the introducing it with any introduction.

Mr. Solicitor General. With ſubmiſſion to your Lordſhip, I did no more than ſtate the manner in which Mr. Martin was connected with this tranſaction, to ſhew that that was an act to be given in evidence.

Mr. Charles Schaw, (ſworn.)

Mr. Law. Where did you find this paper?

A. At Mr. Thelwall's.

Evan Evans, (ſworn.)

Mr. Law. Do you know whoſe hand-writing this is? (*ſhewing the witneſs the paper.*)

A. Mr. John Martin's.

Q. Did you hear him read that paper prior to the 14th of April, 1794?

A. I heard him read it to Mr. Pearce, in the King's Bench.

Q. What did he ſay reſpecting the paper, at the time he read it?

A. I cannot recollect what he ſaid concerning it; I have heard him read ſomething concerning taking arms againſt the King.

Mr. Gibbs. Never mind what you heard him read—what did he ſay?

A. He deſired Mr. Pearce to take the reſolutions to Chalk Farm; it was intended to meet at a houſe in Tottenham-court-road, at one time, and the place was thought to be too ſmall, he deſired him to take the reſolutions to Chalk Farm, and to return as ſoon as the meeting was over.

Q. Did he read theſe over?

A. He did read them over to Pearce, and another man, in the room.

Q. Did he expreſs any approbation of them?

A. Mr. Pearce came back after the meeting, and ſaid that the reſolutions were agreed to.

Q. Did he make any obſervations upon their tendency?

A. Yes, he ſaid he wrote the reſolutions for Chalk Farm; and he had put plenty of Cayenne pepper into them; and that if they followed his (Martin's) advice, there would be warm work.

Evan Evans,

Croſs-examined by *Mr. Tooke.*

Q. Do you know Mr. Gay?

A. I do perfectly well.

Q. Do you know where Mr. Gay lives, or did live?

A. I

A. I cannot rightly recollect, he lives ſomewhere towards St. James's.

Q. Have you not ſaid you knew he lived in Duke-ſtreet?

A. I do not know that I have ſaid ſo; I believe he lived ſomewhere thereabouts.

Q. Have you not ſaid ſo in this Court?

A. I ſaid I believed ſo.

Q. Why did you believe ſo?

A. Becauſe I have often heard he lived towards St. James's.

Q. What is he?

A. A Perfumer or Hair-dreſſer, he is often with Martin.

Mr. Tooke. I beg pardon for aſking a queſtion that appears to be ſo impertinent, but from good authority I am informed, that the Attorney General, when I was not preſent, pledged himſelf that this was the Mr. Gay whom I had nominated to be a member of the Society for Conſtitutional Information—perhaps, your Lordſhip may recollect it—it ſtamped a prejudice upon me—at leaſt it was ſo inſerted in all the public papers—and I do not find that that circumſtance is now brought forward.—It is not unpleaſant in a ſerious cauſe now and then, when fairly and properly introduced, to hear a very ſtrange tale if it is a ſhort one.—There is a Nicholas Gay, Eſq. a gentleman pretty much known to many perſons in this Court, whoſe cuſtom has been to travel over all parts of Europe; this gentleman was nominated by me to be a member of the Society for Conſtitutional Information; and, I believe, that this is one inſtance of the ſtrong deluſion put upon thoſe very honourable gentlemen the Attorney and Solicitor General, and for their ſake chiefly I mention it,—This Mr. Nicholas Gay did dine once, about a year ago, at the Society for Conſtitutional Information, and he was talking of travelling to Ruſſia, where, I believe, he is at preſent———

Mr. Law. I am ſorry to interrupt Mr. Tooke—but has this any reference to the examination?

Lord Chief Juſtice Eyre. To be ſure at this moment it has no reference to the preſent examination; therefore, if you inſiſt upon it, I muſt deſire Mr. Tooke to refrain, till the time comes

when Mr. Gay's name is properly introduced, on the part of the profecution, or till it is introduced (if it can be introduced) on the part of the priſoner.

Mr. Gibbs. It has already been introduced on the part of the profecution, for they have given ſomething in evidence about a Mr. Gay, that was mentioned in a letter by one of the members.

Mr. Law. I have no objection to Mr. Tooke puſhing his examination reſpecting Mr. Gay as far as he can. I am objecting to his making obſervations.

Mr. Tooke. I thought to ſave time—Mr. Evans, do you know that there does exiſt a man named Nicholas Gay?

A. This Gay that I mean, his name is Richard Gay.

Q. You do not know a Nicholas Gay?

A. No.

Q. Did you ever hear that there was ſuch a man?

A. No.

Q. Do you know that this Mr. Richard Gay ſpends his time in travelling abroad?

A. I never knew him till I came into the King's Bench.

Q. Did you ever hear that he had been, or intended to go, to Ruſſia?

A. No—I did not.

Q. Did you ever hear that he had dined with the Society for Conſtitutional Information?

A. I cannot be ſure of that.

Q. Perhaps Mr. Evans you have heard of that Mr. Nicholas Gay?

A. I never heard the name mentioned.

Q. This Mr. Richard Gay then?

A. I have ſeen him ſeveral times.

Q. You may have heard from him, or ſomebody that knew him, that he was ſuppoſed to be a member of the Conſtitutional Society———

A. He was a member of the ſame Society as Mr. Martin; he was a meſſenger to the Society as I underſtood, or ſomething of that ſort.

Q. Did

Q. Did you ever hear him, or Mr. Martin, talking of his dining once at the Society for Conſtitutional Information?

A. I never did.

Q. Did you ever hear yourſelf, or from any perſon that heard this gentleman talk of travelling, that a ſtrange accident happened to him?

A. No.

Q. That upon his talking of travelling ſomewhere, a ſpy, or informer, who was preſent, not hearing the whole of the converſation, leant forward and enquired where that gentleman was going; to which ſome perſon who knew the character of the enquirer anſwered, upon my word he is going much further than I dare to ſay.—You have not heard of that?

A. I have not.

Mr. William Walker (ſworn)

Examined by *Mr. Solicitor General.*

Q. Do you know Mr. John Martin's hand-writing?

A. Yes.

Q. Did you ever ſee him write?

A. I have.

Q. Look at this paper? (*the paper produced by Mr. Schaw.*)

A. I believe that to be his hand-writing.

(*It was read.*)

(*At a General Meeting of the London Correſponding Society, held at on Monday the 14th of April*, 1794.)

[*Vide Hardy's Trial, vol.* 3, *page* 171.]

Mr. Solicitor General (*to Mr. Lauzun.*) Where did you find this paper?

A. In Mr. Hardy's houſe.

"The proceedings at a general meeting of the London Cor-
"reſponding Society, held on the Green, at Chalk Farm, on
"Monday the 14th of April, 1794, read."

[*Vide Hardy's Trial, vol.* 2, *page* 378.]

Mr. Solicitor General. We will now read ſome reſolutions of the Society for Conſtitutional Information, on the 9th of May, 1794, with reſpect to printing a pamphlet containing certain proceedings of the London Correſponding Society.

(The following entry was read from the book of the Society for Conſtitutional Information.)

" At a Meeting of the Society for Conſtitutional Information, " held at the Crown and Anchor Tavern, Strand, Friday, " May 9, 1794."

[*Vide Hardy's Trial, vol.* 2, *page* 111.]

Mr. Solicitor General. We will now produce a pamphlet found in the poſſeſſion of Mr. Adams, the laſt proceeding of the ſecond of May, the general proceedings of the two Societies.

Q. (*to Mr. Maclean.*) Where did you find this pamphlet?

A. This pamphlet I found in the poſſeſſion of Mr. Adams.

Mr. Solicitor General. This pamphlet contains the proceedings of the Correſponding Society of the 27th of March, and of the Society for Conſtitutional Information of the 28th of March, 1794. There is an addreſs to Muir, Palmer, Skirving and Margarot, contained in the proceedings of the 28th of March.

(The pamphlet was read.)

[*Vide Hardy's Trial, vol.* 2, *pages* 105 *to* 108, *and from* 112 *to* 121, *all inclusive.*]

Mr. William Sharpe (ſworn)

Examined by *Mr. Law.*

Q. You were a member of the Conſtitutional Society I believe?

A. Yes.

Q. Do you know at what time you were elected?

A. I believe about two years and a half ago.

Q. By

Q. By whom were you propoſed?

A. I cannot recollect.

Q. Have the goodneſs to try to recollect?

A. I was told from the books that Mr. Horne Tooke propoſed me; but I never knew it perſonally.

Mr. Tooke. It was ſo.

Mr. Law. Did you continue to attend after the time of your firſt election down to May, 1794?

A. At different times.

Q. Do you recollect being preſent on the 28th of March, 1794, when a letter was received by the Conſtitutional Society, from the Correſponding Society, reſpecting the neceſſity of forming a Convention of the people?

A. Not having made memorandums of dates, I find a difficulty in recollecting; I remember ſomething to that purpoſe.

Q. You were preſent when a letter of that ſort came from the Correſponding Society?

A. Yes.

Q. Did your Society concur with them in the propoſed reſolution?

A. I believe they did.

Q. Were you preſent afterwards, on the 4th of April, 1794?

A. If you name what was done I may recollect.

Q. When five gentlemen from the Correſponding Society, came to the Conſtitutional Society as Delegates?

A. Yes.

Q. Do you recollect any other five perſons of your Society being deſired to be nominated to join with them as a Committee?

A. I remember being at the Society when five gentlemen were there.

Q. Who came from the Correſponding Society?

A. Yes.

Q. Do you recollect the names of the five perſons?

A. No—I never ſaw them before in my life.

Q. Was

Q. Was there any body appointed by your Society to meet them as a Committee of Co-operation—Were you one of them?

A. I was one—I underſtood it as a Committee of delegation.

Q. By whom were you propoſed?

A. I think by Mr. Horne Tooke.

Q. You afterwards met?

A. Yes.

Q. Did you propoſe anybody?

A. No.

Q. Were you preſent when the report of theſe Delegates was made, on the 11th of April, 1794?

A. I believe not—I do not remember.

Q. Were you appointed one of the Committee of Correſpondence?

A. I was one of the Delegates—that is all that I underſtand.

Q. Appointed on that day, the 11th of April?

A. Yes.

Q. Was there beſides that, a Committee of Correſpondence?

A. That I cannot tell—I was of the Committee of Delegation.

Mr. William Sharpe,

Croſs-examined by *Mr. Tooke.*

Q. Mr. Sharpe—the gentlemen who have called you as a witneſs appear to have as good an opinion of you as I have. It is ſaid that I nominated you to ſome delegation—Do you think I did it becauſe I had a good opinion of you?

A. Yes.

Q. I believe you have often heard me ſpeak my ſentiments upon the different ſubjects that have been lately agitated in politics?

A. Yes.

Q. You may, or may not, have heard me at ſome time or other ſay, that I would rather be governed by St. James's, than St. Giles's?

A. Yes

A. Yes—I remember it very well.

Q. I fancy you have often been in my houſe?

A. Yes.

Q. I believe our acquaintance firſt began with the wiſh that I had, that you ſhould teach my two daughters to engrave?

A. Yes.

Q. I believe you have aſſiſted them in that way?

A. I have.

Q. You have been very conſtantly, in the ſummer time, I ſuppoſe, in my houſe?

A. Yes—I have.

Q. You have worked there yourſelf?

A. I have.

Q. You have engraved much there?

A. Yes.

Q. Poſſibly you can tell in what manner I live, and how my family is ordered and directed?

A. Yes.

Q. Perhaps you know that I had a horſe in the ſtable?

A. Yes.

Q. Do you ever recollect my riding out upon it?

A. Yes.

Q. Often?

A. No—only once with me.

Q. Once in two years?

A. Yes.

Q. Did I ever walk outſide my gate?

A. Yes.

Q. Often?

A. Very ſeldom.

Q. How often do you believe in two years?

A. I do not believe you walked out above twice.

Q. You can tell whether I have much company in the week?

A. Very little in the week.

Q. How was I employed?

A. Generally

A. Generally in your garden; and, when in doors, you was employed in looking over old books, I ſuppoſe for your great work, and writing, and playing at whiſt.

Q. Do you remember, at any time, my receiving an anonymous letter, directed to me from Ireland, encloſing a letter to Mr. Paine?

A. Yes, I do.

Q. What was done with it?

A. Put into the fire.

Q. Was the letter to Mr. Paine opened?

A. No, you would not open it; it being an anonymous letter, you told me to witneſs that you put it into the fire without opening it.

Q. Can you recollect on the 15th of May, the day before I was apprehended, where you dined?

A. Yes, in Spital-ſquare.

Q. Can you recollect any particular circumſtance that paſſed there at the dinner?

A. Yes, there was a converſation about a letter from Mr. Joyce to you, which I underſtood was intercepted.

Q. Do you know that I ever received any letter from Mr. Joyce, in my life?

A. You ſaid you had not received any.

Q. You do not know that I had?

A. I do not know that you ever did.

Q. Do you know that I ever wrote him one in my life?

A. You are very backward at writing letters, I ſhould ſuppoſe not.

Q. Were you informed of the ſubject of that letter?

A. Yes, that letter was alluding to the red book—there were to be extracts made from the red book, of the ſinecures and penſions which Mr. Pitt and his family received from the public. —Mr. Joyce called upon me the day Hardy was taken up, and told me he had ſent a letter to you, to acquaint you that Hardy was taken up, and deſired you to be ready at Spitalfields on Thurſday next, with thoſe extracts.

Q. Do

Q. Do you recollect the ſtory being mentioned at the dinner, and conſiderably laughed at?

A. It was.

Q. Do you remember one expreſſion in that letter was—"Is "it poſſible to be ready by Thurſday?"

A. I remember that was talked of at dinner.

Q. You recollect the interception of this letter being much talked of at that dinner?

A. Yes.

Q. Which contained the horrible plot of taking from the Court Calender a liſt of large ſinecure places and penſions enjoyed by Mr. Pitt, his family and creatures?

A. Yes.

Mr. Tooke. I aſk theſe queſtions, becauſe I believe it was for this plot that I was apprehended the next day—if the intercepted letter is in Court have I a right to aſk for its production?

Lord Chief Juſtice Eyre. If there is a letter which is in the hands of the Officers of the Crown that appears to you to be neceſſary for your defence, to be ſure you may call upon them to produce it.

Mr. Tooke. I mean for the purpoſe of this croſs-examination?

Lord Chief Juſtice Eyre. To be ſure, if they have it, they will produce it—Is it a letter from Mr. Joyce, ſuppoſed to be intercepted?

Mr. Tooke. A letter from Mr. Joyce to me, which was intercepted.

Lord Chief Juſtice Eyre. That is, there was a converſation that ſuch a thing had happened.

Mr. Tooke. A great deal more than that—I am informed, from pretty good authority, that a letter was intercepted, which ſhould have came by the poſt to me, on the Wedneſday previous to my apprehenſion—that it was produced before the Privy Council, and made the ſubject of very ſerious examination; that great alarm, and great apprehenſions, were entertained from the particular way of wording that letter—and it is for the purpoſe of this croſs-examination that I wiſh to have that letter produced.

(*The*

(The letter ſhewn to the witneſs.)

Mr. Tooke. Did you ever ſee that letter before?

A. I never ſaw it before—I was only told of it.

Q. Were you examined to the ſubſtance of that letter, in the Privy Council?

A. No.

Q. Were any queſtions aſked you in the Privy Council, relative to that letter?

A. No, but the ſubſtance of it confirms what Mr. Joyce ſaid to me.

Mr. Tooke. May this letter be read?

Mr. Law. It comes in your evidence. Do you know the hand-writing of that letter?

A. No, I am not acquainted with Mr. Joyce's hand-writing.

Q. Have you ſeen him write?

A. I have.

Mr. Tooke. Were you ſometimes at the Society for Conſtitutional Information, when I have been preſent?

A. Yes, often.

Q. Have you often gone with me in my chaiſe to Wimbledon, from that Society?

A. Yes.

Q. At what time did we frequently leave that Society?

A. During the buſineſs of the Scotch Convention, we went early, we went at the beginning, becauſe you did not like to ſtay when that matter was before the Society—at other times we have frequently ſtaid late, ſometimes till ten o'clock, at other times we have come away early.

Mr. Law. Mr. Tooke, you may have the letter read now, if it is to anſwer any purpoſe.

Mr. Tooke. I deſire to have it read.

(The letter was read.)

"DEAR CITIZEN,

"This morning, at ſix o'clock, Citizen Hardy was taken "away, by order from the Secretary of State's Office: they "ſeized

" ſeized every thing they could lay hands on—Query, Is it poſ-
" ſible to get ready by Thurſday? Your's,

" J. JOYCE."

Addreſſed, " *I. H. Tooke, Eſq.*"

Mr. Tooke. Do you know, by converſation with Mr. Joyce, what it was I was to be ready with by Thurſday?

A. The extracts from the red book, of the emoluments that Mr. Pitt and his family derived from the public.

Lord Chief Juſtice Eyre. Who was to make thoſe extracts?

A. Mr. Tooke was to make the extracts.

Mr. Tooke. In your paſſage to dine at Mr. Pearſon's, in Spital-ſquare, did you ſee any light horſe?

A. Yes, I ſaw the laſt paſs the window; I was ſaying there were ſome light horſe; I looked through, and ſaw the laſt.

Q. Was it underſtood, or had you any reaſon to ſuppoſe, that theſe light horſe were ſent in conſequence of the interception of this letter, containing this horrid treaſon?

A. I underſtood ſo, that the army was out.

Lord Chief Juſtice Eyre. What reaſon had you to underſtand that?

A. A perſon came and told me, that there went to Spitalfields ſome light horſe that day. I enquired of a military gentleman, a day or two after, and he ſaid there was an order came the night before, for them to be there.

Mr. Tooke. Do you know, of your own knowledge, that for the two years laſt paſt I was always very deſirous that nothing ſhould be done at the Society; that nothing important ſhould be done?

A. I cannot tell.

Q. Do you know, of your own knowledge, that I was deſirous of very long adjournments?

A. Yes, I heard perſons complain againſt long adjournments; and I underſtood you was the perſon complained againſt.

Q. Do you know that I wiſhed to ſtay at home, and not to go frequently to London?

A. You

A. You always expreſſed a wiſh of living in your garden; you ſaid you did not care whether you ever went out.

Q. Perhaps you have heard me wiſh for an act of Parliament, to make it death for me ever to go out?

A. I have heard that.

Q. Were you a member of the club that dined before we met?

A. Yes.

Q. Do you recollect any thing ſecret paſſing there?

A. No. Viſitors were admitted there.

Q. Have you read the reports of the ſecret Committees of the two Houſes of Parliament?

A. No.

Q. Did you ever ſee or know of the tranſactions of diſtant Societies in the Country, or in London?

A. No.

Q. Did you ever read all the papers or tranſactions of the Society to which you belonged?

A. No.

Q. Do you remember any other perſon ever giving themſelves the trouble to read what had paſſed?

A. No, I do not remember.

Q. Have I ever, when I have quitted the Society early, ſpoken to you, or to others in your hearing, to requeſt them to obtain adjournments of the Society, when I could not ſtay for the purpoſe myſelf?

A. I cannot be poſitive, I remember ſomething of it.

Q. Whether all the members of the Society for Conſtitutional Information, at leaſt when you met them, were of the ſame way of thinking?

A. No.

Q. Did they frequently debate and contradict each other?

A. Yes.

Q. Do you ever remember any ſuch thing as a Secret Committee in that Society?

A. No, never.

Q. Can

Q. Can you recollect frequent mention being made of correſpondents in different places, when there were none?

A. Yes, I remember hearing joking about that.

Q. In Ireland, France, and Scotland, do you remember Committees of Correſpondence being appointed frequently?

A. Yes.

Q. Do you remember their meeting?

A. I do not.

Q. You were of a Committee of Correſpondence once or twice?

A. I do not know only this laſt one; I never met any but this laſt one.

Q. Do you recollect any reaſon being given, why you were nominated by me to be of the Committee of Correſpondence?

A. I underſtood you had a good opinion of me.

Q. Do you recollect what my opinions were relative to Univerſal Suffrage?

A. O yes, you were againſt that?

Mr. Tooke. It is hard upon me to be compelled, in order to get at the facts, to aſk, in this croſs-examination, as if I thought theſe things were crimes; I think them not, but I put the facts from myſelf, that I may not have to encounter the abilities of the Attorney and Solicitor General, who perhaps will prove theſe things to be crimes; otherwiſe, in my own mind, I think them to be no crimes—Have you ever heard me ſay any thing againſt the Conſtitution of this Country, by King, Lords, and Commons?

A. Never, you always ſpoke for it.

Q. Do you recollect whether I was for ſending Delegates to the Britiſh Convention, in Scotland, or not?

A. I cannot tell, for I came in late that night that it was propoſed.

Q. Do you recollect any diſpute upon that ſubject between me and any body elſe?

A. I cannot remember.

Q. Did you, at any time in the year 1793, receive letters

full of enquiries, whether I was not bribed and penſioned by the Court?

A. I received letters from the Country, deſiring to know from me, being intimate with you, whether the reports were true, that you were bribed, that you had a penſion from the Court, that you had deſerted the cauſe of liberty, they wanted to know from me.

Q. Do you know what was the reaſon of ſuch a report?

A. On account of your oppoſing the buſineſs of the Scotch Convention.

Q. Do you recollect the letter which I wrote for a ſubſcription for Mr. Sinclair?

A. I do not remember that.

Q. Can you remember whether I diſtinguiſhed between aſſiſting a man to do a thing, and aſſiſting him after he had done what I diſliked, becauſe he was unfortunate?

A. Yes, that I remember very well.

Q. You have dined at my houſe I believe ſometimes on a Sunday?

A. Yes.

Q. What was my cuſtom, with regard to my Sunday?

A. Employment as uſual on the other days, except having friends to dinner.

Q. Had I always company on a Sunday?

A. Generally.

Q. At what time did they uſually come?

A. I believe between the hours of two and four.

Q. About what time did they uſually go?

A. Some went at ſix, others at ſeven or eight o'clock.

Q. Was all the converſation open and public?

A. Yes.

Q. Did any friend of mine bring any body he pleaſed, whether I knew him or not?

A. Some did.

Q. Did you conſider yourſelf at liberty to do ſo?

A. Yes, and made uſe of that liberty.

Q. Did any dangerous or improper converſation, as far as you know, ever paſs at my table?

A. I do not remember any; it was all the uſual converſation that paſſes at other tables.

Q. You have dined with me often upon a Sunday, with numbers of other perſons, both political perſons, and perſons who did not trouble their heads with politics, I believe?

A. Yes.

Q. Have you ever heard me ſay that if there was trouble in this country I ſuppoſed myſelf ſhould be one of the firſt victims?

A. Often.

Q. Have you ever heard me give the reaſon why I thought ſo?

A. Yes; becauſe you would oppoſe any miſchievous characters.

Q. Was it becauſe I have already oppoſed all parties?

A. Yes; I remember your making uſe of ſome ſtrong expreſſions, that if you was execrated by all the world, what you conceived to be your duty you ſhould do.

Q. Did you dine at the meeting of the anniverſary on the 2d of May, 1794?

A. Yes.

Q. Can you recollect the ſubſtance of what I then ſaid?

A. No; I only got a word or two, being at the bottom of the room.

Q. Did you hear at the bottom of the room that I gave a warning to the company not to miſtake the object of their cenſure?

A. I did not hear it.

Q. Do you remember that I was myſelf pretty ſeverely abuſed at that meeting?

A. I only heard that you made an ariſtocratic ſpeech.

Lord Chief Juſtice Eyre. Was that the converſation in the room?

A. Yes; converſation in the room, and afterwards.

Mr. Tooke. Was it a difficult matter to be admitted a member of the Society for Conſtitutional Information?

A. A very eaſy matter.

 Q. Were

Q. Were there many refuſed, who were willing to be members, in the courſe of the two years that you were a member?

A. Very few as I recollect.

Q. Was I remarkably diligent, or remarkably careleſs, about the buſineſs of that Society?

A. I thought you was careleſs.

Q. Do you believe that the profeſſions which I made for a Reform in the Houſe of Commons, in the method of election, were a pretext, or my real ſentiments?

A. Your real ſentiments.

Q. Have you any ſtrong reaſon to believe ſo?

A. I have great reaſon to believe ſo; you ſaid every thing would be right if the Commons Houſe was ſettled according to the principles at the Revolution.

Q. Have you reaſon to believe that I preferred the Government of England to the Government of France?

A. You preferred it becauſe you liked it yourſelf.

Q. You do not know to what degree I liked it?

A. No.

Q. Was you ever taken into cuſtody?

A. Yes, by a perſon with a warrant from the Secretary of State.

Q. What was the cauſe?

A. I do not know; it was ſaid "treaſonable practices."

Q. Were you alone in cuſtody?

A. Yes.

Q. What did you ſuppoſe to be the object of the Society for Conſtitutional Information?

A. A Parliamentary Reform.

Q. Did you think they had any other object in view?

A. No; the name expreſſed the object:—I underſtood ſo.

Q. Did you think any of them intended to uſe force?

A. No; I never ſaw any thing of the kind.

Q. Had you any reaſon to ſuſpect that of any of the members?

A. No.

Q. Was

Q. Was it ever the ſubject of converſation among any of the members?

A. No.

Q. I believe you was of the Committee of Co-operation?

A. I really do not know, there are ſo many names.

Q. You was to co-operate with ſome of the members of the Correſponding Society, and to co-operate, it ſays in ſome of the papers, for a great end—What was the great end?

A. A Parliamentary Reform.

Q. Did I ever attend any of thoſe Committees?

A. No.

Q. Do you remember at any time any of thoſe aſſociated members (I think they are called) from the Societies at Sheffield, at Norwich, and other places, ever attending the Society for Conſtitutional Information?

A. No, I do not remember.

Q. Their names were put in the book, but you do not recollect that they ever attended?

A. No; I paid ſo little attention ſometimes.

Q. Do you recollect a hundred thouſand copies of ſomething (I do not know what) being ordered to be diſtributed among the correſpondents in Great Britain and Ireland.

A. I remember hearing of ſuch a circumſtance.

Q. Did you ever ſee any of them?

A. No.

Q. Then you do not know that they were ever printed?

A. No.

Q. Do you think they were printed?

A. I ſhould ſuppoſe not.

Q. How much money do you think a hundred thouſand copies of a ſheet-full would coſt?

A. I cannot ſay.

Q. I believe you have ſome peculiar ways of thinking of religion of your own?

A. I have my own ways.

Q. I do not want to enquire into them; but did you ever

hear me conſent to any attack upon any eſtabliſhment of this Country, religious or civil?

A. Never.

Q. Have you not always heard me ſpeak againſt Diſſenters of every kind, civil and religious, for I do not confine it; have you not conſtantly and perpetually heard me defending every eſtabliſhment of the Country ſtrenuouſly, againſt thoſe who oppoſed it?

A. Yes; your only object was a Reform in the Commons Houſe of Parliament—that every thing would be right if that was obtained.

Q. Did you ſuppoſe me a great bigot for the Church of England, or any other Church?

A. No; I thought you had no religion at all.

Q. Do you mean, by having no religion at all, that I had no preference?

A. No preference; that you were for letting every body enjoy their own.

Q. But you do not ſuppoſe I would eat little children without being dreſſed?

A. No.

Q. What was your ſubſcription to the Society for Conſtitutional Information?

A. A guinea a year.

Q. If any expences had been incurred beſides the guinea that you ſubſcribed, ſhould you have thought yourſelf anſwerable for them?

A. No.

Q. If any member had done any act without your concurring, and being a party in it, ſhould you have thought yourſelf anſwerable?

A. No.

Q. Then if I was guilty of Treaſon, you would not have thought yourſelf liable, as a member of that Society, to be apprehended for treaſonable practices—that is, till you was apprehended?

A. No.

A. No.

Q. Did you ever hear of ſuch a Society as the Lumber Troop?

A. I have.

Q. Was you a member of it?

A. Never.

Q. Did you ever hear that the firſt of their regulations is, that every member of that Society has permiſſion to knock down any bailiff, conſtable, or watchman he pleaſes?

A. No, I never did.

Mr. Tooke. I did not mean to raiſe a laugh, I only meant to ſhew the danger theſe gentlemen run.

Mr. Solicitor General. I did not object to a great deal of this examination.

Lord Chief Juſtice Eyre. A great deal of it, though not quite ſtrictly correct, certainly goes materially to the defence.

Mr. Chriſtopher Hull, (ſworn.)

Examined by *Mr. Garrow.*

Q. Were you a member of the Conſtitutional Society?

A. Yes.

Q. From what time were you a member?

A. I do not immediately recollect; I believe from ſome time about the year 1791.

Q. Have you continued ſo till the preſent time?

A. I have continued a member till the preſent moment.

Q. Were you preſent at a meeting on the 21ſt of March laſt?

A. I cannot tell; I do not recollect any date whatever.

Q. Do you remember being preſent at any time when a report was made from a Committee of Correſpondence?

A. No, I was not.

Q. Were you preſent at the appointment of any Committee?

A. I do not recollect.

Q. Have you ever heard of a Committee called a Committee of Conference?

A. I do not recollect to have heard of it till this moment.

Q. Have you heard of a Committee of Correſpondence?

A. I have: I wiſh to know what that Committee of Correſpondence was; if it is the Committee for which theſe Gentlemen are indicted, I never heard of it till I ſaw it in the indictment.

Q. I know no other deſcription of it than a Committee of Correſpondence?

A. I do not know whether I heard of that Committee in the Society.

Q. Were you preſent at any meeting of the Society when any Committee was appointed for any purpoſe?

A. I do not recollect that ever I was, except one I was upon.

Q. For what purpoſe was that Committee appointed?

A. I cannot tell.

Q. Do you know a perſon of the name of Joyce?

A. Yes.

Q. Do you remember being preſent at any meeting in the month of April, recently, before you were examined before the Privy Council—being preſent at any meeting when Joyce was in the chair?

A. I recollect Mr. Joyce in the chair at the dinner; I do not recollect him in the chair at any meeting of the Society.

Q. I aſked you whether you were preſent at any time when any Committee which had been previouſly appointed made a report?

A. I do not remember being preſent when any Committee made any report, nor I don't believe I was.

Q. Nor being preſent when any report was read?

A. No, I do not recollect it.

Q. Do you recollect propoſing a Gentleman of the name of Dubarry to be a member?

A. Yes.

Q. Do you remember when that was?

A. No, I do not.

Mr. Garrow. As you cannot recollect any dates, I won't trouble you with any more queſtions.

Mr. Solicitor General, (to Mr. Lauzun.) Where did you find this paper?

A. I found this paper in Mr. Hardy's houſe.

(Extracts were read from the Report of the Committee of Conſtitution of the London Correſponding Society.—No date.)

[*Vide Hardy's Trial, vol.* 2, *page* 127.]

Mr. Solicitor General. There is no date to the paper which has been juſt read, and I cannot aſcertain the date of it any otherwiſe than by the time when the Committee were appointed.

Q. (to Mr. Gurnell.) Will you ſay where you found this paper?

A. I found it in the deſk of Mr. Hardy.

Mr. Solicitor General. This is the appointment of Mr. Felix Vaughan to be a Delegate to the Committee for preparing this Conſtitution; endorſed 30th of April, 1792.

(*It was read.*)

[*Vide Hardy's Trial, vol.* 2. *page* 126.]

Mr. Solicitor General. We ſhall now read a letter to the people of France, from Mr. Paine, which was printed by the London Correſponding Society; and of which your Lordſhip may recollect they ſent two hundred copies to the Conſtitutional Society.

Q. (to Mr. Gurnell.) Did you find this paper any where?

A. This I found in Mr. Hardy's houſe.

(Letter of Thomas Paine to the people of France, publiſhed and diſtributed, gratis, by the London Correſponding Society, dated Paris, September 25th, Firſt Year of the Republic, read.)

[*Vide Hardy's Trial, vol.* 2. *page* 9.]

THE END OF THE EVIDENCE FOR THE PROSECUTION.

FOR

FOR THE PRISONER.

The Honourable THOMAS ERSKINE.

Gentlemen of the Jury,

When I compare the ſituation in which, not many days ago, I ſtood up to addreſs myſelf to a Jury in this place, with that which I now occupy—When I reflect upon the emotions which at that time almoſt weighed and preſſed me down into the earth, with thoſe which at this moment animate and ſupport me, I ſcarcely know how to bear myſelf, or in what manner to conduct my cauſe.

I ſtood up here, Gentlemen, upon the firſt trial, not alone indeed, but firmly and ably ſupported by my honourable, excellent, and learned friend, whoſe aſſiſtance I ſtill have—

[*Here Mr. Erſkine was interrupted with the noiſe made by ſome workmen, which the Court ordered to be ſtopt, and, which being done, he proceeded.*]

Gentlemen, I am too much uſed to public life to be at all diſconcerted by any of theſe little accidents, and, indeed, I am rather glad that any interruption gives me the opportunity of repeating a ſentiment ſo very dear to me—I ſtood up here, not alone, but ably and manfully ſupported by this excellent friend, who now ſits by me; yet, under circumſtances of diſtreſs and agitation, which no aſſiſtance could remove, and which I even now tremble to look back upon. I appeared in this place as the repreſentative of a poor, lowly, and obſcure mechanic, known only, of courſe, to perſons in equal obſcurity with himſelf; yet, in his name and perſon, had to bear up againſt a preſſure which no advocate in England ever before had to contend with, for the moſt favored or powerful ſubject. I had to contend, in the firſt place, againſt the vaſt and extenſive—but, after the verdict which has been given, I will not ſay the *cruſhing* influence of the Crown of England. I had to ſtruggle, from the very nature

ture of the caſe, with that deep and ſolid intereſt which every good ſubject takes, and ought to take, in the life of the Chief Magiſtrate appointed to execute the laws; and whoſe ſafety is ſo inſeparably connected with the general happineſs, and the ſtability of the Government. I had further to contend with an intereſt more powerful and energetic—with that generous and benevolent intereſt, founded upon affection for the King's perſon, which has ſo long been, and, I truſt, ever will remain the characteriſtic of Engliſhmen. Theſe prepoſſeſſions, juſt in themſelves, but connected with dangerous partialities, would, *at any time*, have been ſufficiently formidable; but at what ſeaſon had I to contend with them? I had to contend with them when a cloud of prejudices covered every perſon whoſe name could be mentioned or thought of in the courſe of my defence—prejudices not only propagated by honeſt, though miſtaken, zeal, but fomented by wickedneſs beyond the power of language to give any idea of—and all directed againſt the Societies of which the priſoners were members, only becauſe they had preſumed to do what thoſe who proſecuted them had done before them in other times; and from the doing of which they had raiſed their fortunes, and acquired the very power to proſecute and oppreſs.

I had to contend too with all this in a moſt fearful ſeaſon; when the light and humanity, even of an Engliſh public, was with no certainty to be reckoned on—when the face of the earth was drawn into convulſions—when bad men were trembling for what ought to follow, and good men for what ought not—and when all the principles of our free Conſtitution, under the dominion of a deluſive or wickedly infuſed terror, ſeemed to be trampled under foot. Gentlemen, when we reflect, however, upon the ſound principles of the law of England, and the exalted hiſtory of its juſtice, I might, under other circumſtances, have looked even thoſe accumulated dangers in the face. There would have ſtill remained that which is paramount to the ordinary law, and the corrector of its abuſes: there would ſtill have remained that great tribunal, raiſed by the wiſdom of our anceſtors, for the ſupport of the people's rights; that tribunal which has

has made the law itſelf, and which has given me *you* to look at—that tribunal, which from age to age has been the champion of public liberty, and which has ſo long, and ſo often been planted before it as a ſhield in the day of trouble.—But looking to that quarter, inſtead of this friendly ſhield of the ſubject, I found a ſharp and deſtroying ſword in the hand of an enemy. The protecting Commons was itſelf the accuſer of my client, and acted as a Solicitor to prepare the very briefs for the proſecution; I am not making complaints, but ſtating the facts as they exiſted. The very briefs, I ſay, without which my learned Friends (as they themſelves agree) could not have travelled through the cauſe, were prepared by the Commons of Great Britain, came before the Jury ſtamped with all its influence and authority, preceded by proclamations, and the publications of authoritative reports, in every part of the kingdom, that the influence of the prejudgment might be co-extenſive with the iſland.

I had, therefore, to contend with an impeachment, without the juſtice belonging to ſuch a proceeding.—When a ſubject is impeached by the Commons of England, he is not tried by a Jury of his Country; Why?—becauſe the benevolent inſtitutions of our wiſe forefathers forbad it. They conſidered that when the Commons were the accuſers, the Jury were the accuſers alſo. They conſidered the Commons in Parliament, and the Commons at large, to be one and the ſame thing, though one would think from the proceedings we are now engaged in, and every thing connected with them, that they had no connection with one another; but that on the contrary the Houſe of Commons was holding out a ſiege againſt their conſtituents, and ſupporting their authority againſt the privileges of the people, whoſe repreſentatives they are and ought to be. Upon an impeachment beſides, the Lords in Parliament upon the ſame principle becomes a criminal court of juſtice for all the ſubjects of England. A common man is not *forced* before that high aſſembly, but *flies to it for refuge*, becauſe, as Mr. Juſtice Blackſtone well expreſſes it, all the reſt of the nation is ſuppoſed, by the law, to be engaged in the proſecution of their repreſentatives. But did the Lords in Parliament ſtand in that

ſituation

ſituation in the caſe of the priſoners at this bar? Though not formally arraigned before the great men of the realm, could they look up to them for countenance and ſupport? Gentlemen, the Lords united themſelves with the Commons in the accuſation, and, like the Commons, prejudged the cauſe by the publication of reports, which contain the whole maſs of the criminating evidence.——

I had, beſides all this, to wade through a maſs of matter beyond the reach of the human underſtanding to diſentangle or comprehend, and which no ſtrength of body could communicate if underſtood; a ſituation ſo new and unparallelled in the criminal juſtice of the Country, that the Judges were obliged to make new experiments upon our legal Conſtitution, to invent the means of trial: I go along with the deciſion of the Court as to the adjournment, though I wave no privilege for my client; but what ſhall we ſay of a deciſion which nothing but neceſſity could have juſtified; which ſtarts up for the firſt time in the year 1794, after the Conſtitution has endured for ſo many centuries; and which brings the Judges of the land in conſultation together, to conſider how by device, indulgence, or conſent, or how at laſt by the compulſion of authority, they might be able to deal with a caſe, which had not only no parallel, but nothing even analogous to it in the records or traditions of our Country.

I had laſtly to contend, with all that array of ability and learning which is now before me, though with this conſolation, that the contention was with honourable men. It is the glory of the Engliſh Bar, that the integrity and independence of its members, is no mean ſecurity of the ſubject.

When in ſpight of all this mighty, and ſeemingly inſuperable preſſure, I recollect that an humble, obſcure, and lowly individual was not merely acquitted, but delivered with triumph from the dangers which ſurrounded him; when I call to mind that his deliverance was ſealed by a verdict, not obtained by cabal, or legal artifice, but ſupported by principles, which every man, who has a heart in his boſom, muſt approve, and which accordingly HAS obtained the moſt marked and public approbation;

tion; when I conſider all this—it raiſes up a whirlwind of emotions in my mind, which none but him who rides upon the whirlwind could give utterance to expreſs. In that ſeaſon of danger when I thought a combination of circumſtances exiſted, which no innocence could overcome, and having no ſtrength of my own to rely on, I could only deſire to place the Jury under the protection of that benevolent Providence, which has ſo long peculiarly watched over the fortunes of this favoured iſland: ſincerely, and from the bottom of my heart, I wiſhed that a verdict ſhould be given, ſuch as the Jury might look up to God, as well as around them to man, when they pronounced it. Gentlemen, that verdict is given and recorded, and the honour and juſtice of the men who, as the inſtruments of Providence, pronounced it, are recorded, I truſt, for ever along with it.

It may be ſaid that this way of conſidering the ſubject is the reſult of a warm enthuſiaſtic temper, under the influence of a religious education, and it may be ſo—but there is another point of view in which men of all tempers, and however educated, muſt conſider it. All men muſt agree in conſidering the deciſion as a great and ſolid advantage to the country: they muſt ſee in it that our inſtitutions are ſound; and at a time when it is fit that the whole nation ſhould rally round its Government and Conſtitution, inſtead of one part of it being ſet up to calumniate and perſecute another. They muſt agree, that no event could be more fortunate than a public trial, which demonſtrates that we hold our lives, and every thing that is dear to us, under a law which nothing can ſuperſede; becauſe there is little likelihood that men will deſire to change a Conſtitution which thoroughly protects them. And before this cauſe is over, you will ſee that no man has ever had any ſuch diſpoſition.

Gentlemen, we now come to the *merits* of the cauſe itſelf; and though if I were myſelf at the bar, inſtead of the Honourable Gentleman who is arraigned before you, I ſhould be diſpoſed to trouble you very little in my own defence, yet I mean to purſue no ſuch courſe as the advocate of OTHERS. I ſay the advocate of OTHERS: for my client muſt forgive me if I almoſt loſe ſight of *him* in the determination of my duties. Indeed, I

can

can hardly find him out in the mass of matter which has been read to you. One is obliged to search for him through the proceedings, and with difficulty can find his name; whilst others to whom I owe a similar attention, and who stand behind for trial, are undoubtedly implicated in part of that which has been fruitlessly read against him. It is this alone which obliges me at all to consider the quality of the transactions before you, and to apply them to the law; lest assumed facts, and erroneous doctrines should meet me at another time, and in another character, touching in their consequences the safety of the other prisoners, and of the whole people of this land.

The first thing we have to consider in this, as in all other trials, is the nature of the accusation. What are we here about? For to say the truth, it is a little difficult at first view to find it out. It is the glory of the English law, that it requires even in the commonest cases (*a fortiori in a case of blood*) the utmost precision of charge, and a proof correspondingly precise. Hitting the bird in the very eye; strictly conformable, not merely to the substance of the crime, but to the accusing *letter*.

Let us see, therefore, what the charge is———

When I had the honour to discuss this subject before, it was to another Jury, and, indeed, to another Court; for I now see on the bench an honourable and learned Judge, who was not then present: some of you also, Gentlemen, most probably were in the way of hearing, and of receiving an impression from the able address of the Attorney General, in the introduction of Mr. Hardy's Trial; for you were bound to be present in Court when the Jury was called, and it is not to be supposed, that after having discharged, on that day, your duty to the public by a painful attendance, you would continue it in order to hear the defence with which you had no manner of concern. If you come, therefore, with any bias upon your minds from the situation you were placed in by your duties, it *must* be a bias against me; for you heard every thing on one side, and nothing upon the other: it becomes my duty, therefore, to go over again the same arguments which I employed before, though some of you are not yet recovered from the

fatigue

fatigue of attending to them. Nor is the taſk leſs nauſeous to myſelf; but nevertheleſs, irkſome as it is, it muſt be performed: I am not placed here to eſtabliſh a reputation for ſpeaking, nor to amuſe others with the novelty of diſcourſe; but to defend innocence, and to maintain the liberties of my country.

Gentlemen, the charge is this—

The indictment ſtates, "That all the priſoners *(whoſe names I ſhall hereafter enumetate, when I come to remark upon the evidence)* "intending to excite inſurrection, rebellion, and war "againſt the King, and to ſubvert the Rule and Government of "the Kingdom, and to depoſe the King from his Royal State "and Government of the Kingdom, and to bring and put the "King to death—Maliciouſly and traitorouſly, and with force, "did, amongſt themſelves, and together with other falſe traitors, "conſpire, compaſs, and imagine to excite inſurrection, rebellion, "and war againſt the King, and to ſubvert the Legiſlature, Rule, "and Government of the Kingdom, and to depoſe the King "from the Royal State and Government of the Kingdom, AND TO "BRING AND PUT OUR SAID LORD THE KING TO DEATH." This is the whole charge—But as it is an offence which has its ſeat in the heart, the Treaſon being complete by the unconſummated intention, it is enacted by poſitive ſtatute, and was indeed the ancient practice upon the general principles of Engliſh law, that he who is accuſed of this crime, which conſiſts in the inviſible operations of the mind, ſhould have it diſtinctly diſcloſed to him upon the ſame record, what acts the Crown intends to eſtabliſh, upon the trial, as indicative of the Treaſon; which acts do not conſtitute the crime, but are charged upon the record, as the means employed by the priſoner to accompliſh the intention againſt the King's life, which is the Treaſon under the firſt branch of the ſtatute.

The record therefore goes on to charge, that, "in order to "fulfil, perfect, and bring to effect their moſt evil and trea-"ſonable compaſſings and imaginations," *(that is to ſay, the compaſſings and imaginations antecedently averred,* viz. *to bring and put the King to death,)* "they met, conſulted, conſpired, "and agreed amongſt themſelves, and others, to the Jurors un-

"known,

" known, to cauſe and procure a convention and meeting of " divers ſubjects of the Realm, to be held and aſſembled within " this Kingdom." Now, in order to elucidate the true eſſence of this anomolous crime, and to prevent the poſſibility of confounding the Treaſon with the OVERT-ACT, which is only charged as the manifeſtation of it,—let us pauſe here a little, and ſee what would have been the conſequence if the charge had finiſhed here; without further connecting the OVERT-ACT with the TREASON, by directly charging the Convention to have been aſſembled FOR THE PURPOSE OF BRINGING THE KING TO DEATH. I ſhall not be put to argue that no proceedings could have been had upon ſuch a defective indictment; ſince common ſenſe muſt inform the moſt unlettered mind, that merely to hold a Convention of the people, which might be for VARIOUS PURPOSES, without alledging for WHAT PURPOSE it was aſſembled, would not only not amount to High Treaſon, but to no crime whatſoever. The indictment therefore, of neceſſity, proceeds to aver, that " they conſpired to hold this Convention, " WITH INTENT, *and in order, that the perſons ſo to be aſ-* " *ſembled at ſuch Convention, and Meeting, ſhould and might,* " *wickedly and traitorouſly, without and in defiance of the au-* " *thority, and againſt the will of the Parliament of this King-* " *dom, ſubvert, and alter, and cauſe to be ſubverted and al-* " *tered, the Legiſlature, Rule, and Government of the King-* " *dom:*" What then is the charge in this firſt count of the indictment, when its members are connected together, and taken as one whole? It is that the priſoner conſpired, and confederated, with others, to ſubvert the Rule and Government of the Kingdom, and to depoſe the King, and TO BRING AND PUT HIM TO DEATH; which laſt of the three is the only eſſential charge: for I ſhall not be put to argue that the indictment would have been equally complete without the two former, and wholly and radically defective without the latter; ſince it has been, and will again be conceded to me, THAT THE COMPASSING THE KING'S DEATH IS THE GIST OF THE INDICTMENT, WHICH NOTHING CAN ADD TO, AND THE OMISSION OF WHICH NOTHING CAN SUPPLY. The indictment, there-

fore, having charged the traitorous compaſſing, proceeds, in conformity to the ſtatute, to ſtate the act charged to have been committed in fulfilment of it; which you obſerve is not an armed aſſembly to ſeize and deſtroy at once the perſon of the King, but a conſpiracy to effect the ſame purpoſe through the medium of a Convention; the indictment therefore charges their deſign to aſſemble this Convention, not as a meeting to petition for the Reform of Parliament, or to deliberate upon the grievances of the Country, but with the fixed and rooted intent in the mind, that this Convention, when got together, whatever might be its external pretext, ſhould depoſe the King, AND PUT HIM TO DEATH. It is impoſſible therefore to ſeparate the members of this charge without deſtroying its whole exiſtence; becauſe the charge of the compaſſing would be utterly void without the overt-act which the ſtatute requires to be charged as the means employed by the priſoner to accompliſh the Treaſon, and becauſe no other acts can be reſorted to for its eſtabliſhment; and the overt-act would be equally nugatory if ſeparated from the compaſſing, SINCE THE OVERT-ACT DOES NOT SUBSTANTIVELY CONSTITUTE THE TREASON WHEN SEPARATED FROM THE TRAITOROUS PURPOSE OF THE MIND WHICH PRODUCED IT, BUT IS ONLY THE VISIBLE MANIFESTATION OF THE TRAITOROUS INTENTION, WHICH IS ADMITTED, ON ALL HANDS, TO BE THE CRIME; and your office, therefore, Gentlemen—(*I defy the wit, or wiſdom, or artifice of man, to remove me from the poſition*)—your office is to try whether the record, inſeparable as I have ſhewn it to be in its members, BE TRUE, OR FALSE. Or, to ſum up its contents in a word, whether the priſoner conſpired, with others, to hold a Convention or Meeting, with the deſign that, under the maſk of Reform of Parliament, it ſhould depoſe the King from his Royal Office, and DESTROY HIS LIFE.

There are ſeveral other overt-acts charged in the indictment, to which, however, you will ſee, at a glance, that the ſame principle will uniformly apply, ſince the compaſſing the death of the King is alike the charge in all of them; the overt-acts only differing from one another, as the indictment charges differen

acts

acts connected with the aſſembling of this Convention—ſuch as how it was to be held—who were to form Committees for projecting its meeting—and ſo on—which I do not particularize juſt now, becauſe I ſhall have occaſion to conſider them diſtinctly when I come to the particulars of the evidence. There is one of the counts, however, that has been ſo ſtrongly relied on in argument, and to which ſo large a portion of the evidence has been thought to apply, that it is neceſſary, in this place, to attend to its ſtructure. I mean the count which charges the circulation of papers. We have heard a great many of them read, and they will be a leſſon to me never again to deſtroy old newſpapers as uſeleſs wrappings, but to treaſure them up as precious manuſcripts for the diſcovery of plots, and ſecrets of conſpirators: for, with a very few exceptions, the whole of the written evidence —by which ſo deep laid and deteſtable a conſpiracy, is ſuppoſed to have been developed by the ſeizure of the perſons and correſpondences of traitors—has been to be found, for two years paſt, upon the public file of every common newſpaper, and retailed, over and over again, in every town and country magazine in the Kingdom; and that too with the implied conſent of his Majeſty's Attorney General, who could not help ſeeing them, and who never thought of proſecuting any man for their publication. Yet theſe ſaid old newſpapers are, on a ſudden, collected together, and their circulation charged as an overt-act of High Treaſon againſt the honourable Gentleman before you; although, with a very few and perfectly harmleſs exceptions, it has not been ſhewn that he either wrote them, or publiſhed them, or read them, or even knew of their exiſtence.

But ſuppoſing him to have been the author of all the volumes which have been read, let us examine how they are charged, in order to ſroft their circulation into Treaſon.

The indictment ſtates, that "further to fulfil their traiterous "intention *as aforeſaid*," (*referring to the antecedent charge of compaſſing in the former count*) "they maliciouſly, and traitor- "ouſly, did compoſe, and write, and cauſe to be compoſed and "written, divers books, pamphlets, letters, and inſtructions, "purporting, and containing therein, amongſt other things, en-

 "couragements,

" couragements and exhortations to move, induce, and perſuade " the ſubjects of our ſaid Lord the King, to chooſe, depute, and " ſend, and cauſe to be choſen, deputed, and ſent, perſons as " Delegates, to compoſe and conſtitute ſuch Convention as *aforeſaid*, with the traitorous purpoſes aforeſaid"—*which is agreed to be a reference to the traitorous purpoſes enumerated in the antecedent part of the indictment.* Here, therefore, let us pauſe again, to review the ſubſtance of this accuſation.

The charge, you obſerve, is NOT the writing of a libel, or libels; or for their publication, or circulation; but their compoſition and circulation *to effect the premeditated, pre-concerted Treaſon againſt the King's life.* This *intention*, in their circulation, was accordingly conſidered by the Court moſt diſtinctly and correctly, not only in the charge to the Grand Jury, but upon the former trial, as the mereſt matter of fact which could poſſibly be put upon parchment; totally diſentangled from every legal qualification. We are not, therefore, examining whether theſe papers which have been read, or any of them, are libels; but whether (whatever may be their criminal or illegal qualities) they were written and circulated by men who, having predetermined, in their wicked imaginations, to depoſe *and put to death the King*, wrote and publiſhed them to excite others to aid them in the accompliſhment of that deteſtable and traitorous conſpiracy.

There is another overt-act, in which the publication of the ſame papers are charged, which I only read to you to ſhew the uniform application of the principle which obviouſly pervades every branch and member of the indictment. It ſtates, that " the priſoners, in further fulfilment of the Treaſon *aforeſaid*," (i. e. *by reference, the Treaſon of* PUTTING THE KING TO DEATH) " and, in order the more readily and effectually to aſ- " ſemble ſuch Convention and Meeting as aforeſaid, *for the* " *traitorous purpoſes aforeſaid*," (i. e. *by reference, the traitorous purpoſe againſt the life of the King*) " they compoſed, and " cauſed to be compoſed, divers books, pamphlets, &c. purport- " ing and containing, amongſt other things, incitements, en- " couragements, and exhortations, to move, induce, and per- " ſuade the ſubjects of our ſaid Lord the King to chooſe,

" de-

" depute, and ſend, and cauſe to be choſen, deputed and ſent, " perſons as Delegates to compoſe ſuch Convention and Meet- " ing as aforeſaid, to aid and aſſiſt in carrying into effect ſuch " traitorous, ſubverſive alteration and depoſition as laſt afore- " ſaid." So that this charge differs in nothing from the former. For it is not that criminal pamphlets were publiſhed, but that they who publiſhed them having wickedly and maliciouſly conceived in their minds, and ſet on foot a conſpiracy wholly to overthrow and ſubvert the Government, to depoſe, and *to put to death the King*, publiſhed them for the expreſs purpoſe of exciting others to join them in the accompliſhment of their Treaſon. It does not charge the publication of libellous matter, which peradventure, or even in all probability, might excite others to *originate* ſuch a conſpiracy; but to excite others to aſſiſt in the accompliſhment of one already hatched in the mind and intention of the priſoner.

Gentlemen, I ſhould not further enlarge upon matter which appears to be ſo ſelf-evident, more eſpecially as I perceive that I have the aſſent of the Court to the meaning and conſtruction of the indictment as I have ſtated it, were it not that on the former trial it was directly queſtioned by the Solicitor General, in an argument which I cannot poſſibly reconcile with any one principle or precedent of Engliſh law. I am perſuaded that he will not conſider this obſervation as a perſonal attack upon his integrity, or any depreciation of his profeſſional learning, for both of which I have always had a great reſpect. When the mind has long been engaged upon a particular ſubject, and has happened to look at it in a particular point of view, it is its natural infirmity to draw into the vortex of its own ideas, whatever it can lay hold of, however unſuited to their ſupport. I cannot account upon any other principle for the doctrine maintained by ſo very learned a perſon, in his late reply in this place; a doctrine ſo extraordinary, that I would not venture to quote it from my own memory, and which I ſhall, therefore, read to you from the note I have been furniſhed with by my learned friend who ſits near me *. A doctrine

* Mr. Gurney.

which I am perſuaded the Solicitor General would not, upon reflection, re-maintain to be the law; and which, if it were the law, I would not live in the Country longer than to finiſh my addreſs to you. He ſays roundly, that the law upon this ſubject is perfectly clear; namely, that any act done (attend I beſeech you to the expreſſion) *that any act done which may endanger the life of the King*, is in the judgment of the law, an act done in purſuance of an intent to compaſs his death. That the act is, in point of law, demonſtrative of the purpoſe, and conſtitutes the crime of High Treaſon; that the imagination of perſonal harm to the King forms no part of it; and that it is not material whether the perſon charged had in contemplation the conſequences that might follow from what he did, it being ſufficient, independently of all intention, if the death of the King was a probable conſequence of what he was about to do.

Gentlemen, one hardly knows where one is after reading ſo ſtrange and confounding a propoſition. The argument, in ſhort, is neither more nor leſs than this—That if I do an act, though with the moſt innocent mind, and without contemplating that any danger can poſſibly touch the King; nay more, if from a miſtaken zeal I do an act from which the Jury are convinced that I honeſtly conceived his perſon would be ſafer, and his reign more ſecure and illuſtrious; yet (*if not in the event*) but only in the *opinion of lawyers*, my conduct led to the direct contrary conſequence, I am to be adjudged in law a compaſſer of the King's death. I am to be found, in point of law, to have intended what I never thought of, and a Jury, whoſe province is to declare THE FACT, is to be bound in conſcience to find me guilty of deſigning the King's death, though their conſciences inform them, from the whole evidence, that I ſought nothing but the health of his perſon, and the honour of his Crown.

Gentlemen, this is ſuch a monſtrous, horrible propoſition, that I would rather, at the end of all their cauſes, when I had finiſhed my duty to their unfortunate objects, die upon my knees thanking God, that for the protection of innocence, and

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the ſafety of my Country, I had been made the inſtrument of denying and reprobating it, than live to the age of Methuſalem for letting it paſs unexpoſed and unrebuked.

It may be curious to examine to what concluſions this doctrine of a lawyer's ſpeculation upon probable conſequences, ſhutting out the examination of actual intention, might lead. It is part of the evidence before you againſt the honourable gentleman at your bar, that a propoſition was made to, and adopted by, the Conſtitutional Society to ſend a Delegate to the Convention at Edinburgh; and you have been deſired, from this meaſure, and others of a ſimilar bearing, to find an intention to deſtroy the King, from the probable conſequence of ſuch proceedings. Let us try the validity of this logic—the Society of the Friends of the People (ſome of whoſe proceedings are in evidence) had a ſimilar propoſition made to them to ſend a Delegate to this ſame Convention, and the meaſure was only rejected, after a conſiderable degree of debate; ſuppoſe, on the contrary, they had agreed to ſend one, and that I, who am now ſpeaking to you, had been of the number who conſented, I ſhould then have been in a worſe predicament than my client who appears to have oppoſed it; I ſhould have been found to have conſented to an act, which, *according to ſome legal caſuiſts*, had a tendency to deſtroy the King, and although my life was laboriouſly devoted to the duties of my profeſſion, which cut me off from attending to the particular conduct of reformers, though I approved of their general and avowed object:—Mr. Yorke's ſpeech at Sheffield, and all the matter beſides which has conſumed our time and patience for three days paſt, would have been read to eſtabliſh my conſpiracy with people whom I never ſaw, or heard of, in the courſe of my exiſtence; it is, beſides equally High Treaſon to compaſs and imagine the death of the Heir Apparent, as the death of the King; and if the nature of the conſpiracy was to reach the King's life, by ſubverting the Government, its ſubverſion would lead as directly, in its conſequence, to the deſtruction of his ſucceſſor, and conſequently would, upon the acknowledged principles of law, be a compaſſing of the death of the Prince of Wales.—See then

to what monſtrous concluſions it would lead, to conſider an act as legally concluſive of an intention, inſtead of examining it with the eye of reaſon, and as a fact from the circumſtances attending it. It ſo happened that at this very time, and though a member of this Society of Reformers, I was Attorney General to the Prince, ſworn of his Privy Council, high in his perſonal confidence, and full of that affection for him which I yet retain. Would it have been ſaid, Gentlemen, (I am not ſeeking credit with you for my integrity) but would it have been ſaid without ridicule, that a man, placed as I was, in a high ſituation about the Heir Apparent of the Crown, who had at once the will and the privilege to reward my ſervices; that I, who was ſerving him at the very moment in terms of confidence and regard, was to be taken concluſively to be plotting his political deſtruction, and his natural death.

This doctrine, ſo abſurd and irrational, does not appear to me to be ſupported by any thing like legal authority.

In the firſt place, let it be recollected that this is an indictment on a ſtatute, and not upon the common law, which has the precedents made by Judges for its foundation;—the rule of action here depends upon a WRITTEN UNALTERABLE record, enacted by the Legiſlature of the kingdom for the protection of the ſubjects life, and which the Judges upon the Bench have no right to tranſgreſs or alter a letter of, becauſe other Judges may have done ſo before them.—As far as the law ſtands upon tradition, it is made by the precedents of Judges, and there is no other evidence of its exiſtence; but a ſtatute is ever preſent to ſpeak for itſelf, in all Courts, and in all ages; and I ſay with certainty—ſpeaking in my own name and perſon, and deſiring to ſtand or fall as a profeſſional man, by what I utter, that the law is as I maintained it upon the trial of Thomas Hardy, and as I maintain it now. I admit that the ſtatute, like the common law, muſt receive a judicial interpretation; and that wherever the letter of an act of Parliament is ambiguous, the conſtructions which have been firſt put upon it, if rational, ought to continue to be the rule.—But where a ſtatute is expreſſed in ſuch plain, unambiguous terms, that but one grammatical

matical or rational conſtruction can be put upon it, when the firſt departure from that only conſtruction does not appear to have taken its riſe from any ſuppoſed ambiguity of its expreſſion in the minds of thoſe who firſt departed from it, which is the general hiſtory of conſtructive departures from written laws, but comes down tainted with the moſt degraded profligacy of Judges notoriouſly devoted to arbitrary and corrupt Governments; when the very writers and Judges whoſe writings and deciſions firſt ſupport ſuch original miſconſtructions, honeſtly admit them to be miſconſtructions, and lament and reprobate their introduction: when the ſame lamentation and reprobation of them is handed down from Commentator to Commentator, and from Court to Court in the whole ſeries of conſtructive judgments; and laſtly, when Parliament itſelf in different ages, as the evil has become intolerable, has riſen up and ſwept them all away, and to avoid the introduction of new difficulties, has cautiouſly left the old letter of the ſtatute ſtanding to ſpeak for itſelf, without any other commentary than the deſtruction of every one that ever had been made upon it, the reverſal of every judgment which ever had departed from its letter, and the poſitive prohibition, in all future time, of the one and of the other.—In ſuch a caſe, I do maintain, and as an Engliſh lawyer, feel myſelf bound for the public ſafety, in oppoſition to whatever authorities could be found to the contrary, that if the ſtatute of Edward the Third can be departed from by conſtruction, or can be judged otherwiſe THAN IF IT HAD PASSED YESTERDAY, there is, properly ſpeaking, no ſuch thing as written law in England.

Gentlemen, you will find me juſtified in what I ſay by the language of the ſtatute itſelf, which is clear and unambiguous, and by the declarations of its genuine meaning by future Parliaments.

The words of the ſtatute of the 25th of Edward the Third, are theſe——

"Whereas divers opinions have been before this time, in "what caſe Treaſon ſhall be ſaid, and what not—the King, at "the

" the requeſt of the Lords and Commons, has made a declara-
" tion as herein after followeth:

" When a man doth compaſs or imagine the death of our
" Lord the King—or of our Lady his Queen; or of their
" eldeſt ſon and heir; or if a man do levy war againſt THE
" KING in his realm, or be adherent to the King's enemies in
" his realm, giving them aid and comfort, and thereof be
" proveably attainted of open deed by people of their con-
" dition."

The reaſon of paſſing it, as expreſſed by the act itſelf, and by Lord Hale and Lord Coke in their Commentaries, demonſtrate the illegality of any departure from its letter; becauſe it was paſſed to give certainty to a crime which, by judicial conſtructions, had before become uncertain.—Lord Hale ſays " that at common law there was a great latitude uſed in raiſing " offences to the crime and puniſhment of Treaſon, by way " of interpretation, and arbitrary conſtruction, which brought " in great uncertainty and confuſion. Thus accroaching of " Royal Power was a uſual charge of Treaſon anciently, though " a very uncertain charge; ſo that no man could tell what " it was, or what defence to make to it." He then proceeds to ſtate various inſtances of cruelty and vexation, *and concludes with this obſervation*:—

" By theſe, and the like inſtances that might be given, it " appears how arbitrary and uncertain the law of Treaſon was " BEFORE THE STATUTE of the 25th of Edward the Third, " whereby it came to paſs, that almoſt every offence that was, " or ſeemed to be, a breach of faith or allegiance, was by " *conſtruction*, and *conſequence*, and *interpretation*, raiſed into " the offence of High Treaſon."

To put an end to theſe evils, therefore, and to give to the harraſſed ſubjects of England ſecurity and peace, this ſacred law was made; but for a ſeaſon with very little effect, becauſe wicked Judges ſtill broke in upon its protecting letter by arbitrary conſtructions, inſomuch that Lord Hale obſerves, that although the ſtatute of Edward the Third had expreſsly di-

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fected that nothing ſhould be declared to be Treaſon, but caſes within its enacting letter—" Yet that things were ſo carried " by parties and factions in the ſucceeding reign of Richard " Second, that it was little obſerved, but as this or that party got " the better, ſo the crime High Treaſon was in a manner ar- " bitrarily impoſed and adjudged, which by various viciſſitudes " and revolutions miſchiefed all parties, firſt or laſt, and left a " great inquietude and unſettledneſs in the minds of the people " and was one of the occaſions of the unhappineſs of that " King." All theſe miſchiefs, he further obſerves, aroſe from breaking the great boundary of Treaſon by a departure from the letter of the ſtatute, which was ſo great a ſnare to the ſubject, that after many temporary acts of Parliament paſſed and repealed, and many vexatious and illegal judgments, claſhing with, and contradicting one another, the ſtatute of Queen Mary was at laſt enacted, which ſwept them all away, and as Lord Coke obſerves, in his Commentary upon it, in the ſecond inſtitute, not only ſet up again the very letter of the ſtatute of the 25th of Edward the Third, but repealed all judicial interpretations paſt, and prohibited all recurrence to them in future.

I will give it you in his own words. " In this ſtatute of " Mary, two things are to be obſerved. Firſt, that the word " expreſſed in the ſtatute of Mary excludes all implications " or inferences whatſoever.—Secondly, that no former at- " tainder, *judgment, precedent, reſolution, or opinion of Judges, " or Juſtices, of High Treaſon, other than ſuch as are ſpe- " cified and expreſſed in the ſtatute of Edward the Third, are " to be followed or drawn into example.* FOR THE WORDS BE " PLAIN AND DIRECT—' That from henceforth no act, deed, " or offence ſhall be taken, had, deemed, or adjudged to be High " Treaſon, but only ſuch as are declared and expreſſed in the " ſaid act of the 25th of Edward the Third, any act of Parlia- " ment or ſtatute after the 25th of Edward the Third, or " any other declaration or matter, to the contrary notwithſtand- " ing."

I do

I do therefore maintain, that the ſtatute of King Edward the Third, plain in itſelf, and rendered ſtill more ſo by the parliamentary expoſition of the act of Queen Mary, is A PEREMPTORY RULE, and that no appeal can be had upon the ſubject to any writers or deciſions, whatever may be the reputation of the one, or the authority of the other.

I find nothing, however, in any writer of character, or in any deciſion, which deſerves the name of authority, to which ſuch an appeal could ſucceſsfully be made. Lord Hale no where ſays, that a conſpiracy to ſubvert the Government, or any rebellion, pointed merely at the King's *Royal Authority*, is High Treaſon within this branch of the ſtatute. He uniformly conſiders the crime as a deſign againſt the King's NATURAL LIFE; and treats nothing even as an overt act of it, that is not ſo pointed againſt the King's PERSON, as to be legal evidence of a conſpiracy againſt his EXISTENCE. "If men," ſays Hale, "conſpire *the* "DEATH *of the King*, and thereupon provide weapons, or ſend "letters in the execution of it, this is an overt act within this "ſtatute." Undoubtedly it is—but mark the principle, and attend to Lord Hale's language, which is plainly this—If men conſpire the DEATH of the King, and do theſe things in execution of the conſpiracy, the things ſo done are legal evidences of the Treaſon:—But the Treaſon, which is the intention of the mind againſt the King's life, muſt firſt exiſt, before any ſtep could be taken in purſuance of it.

Another paſſage in Lord Hale, upon which the whole argument againſt us appears in a manner to be built, is, in my mind, equally clear, and perfectly conſiſtent with the letter of the ſtatute.

"If men conſpire to impriſon the King BY FORCE AND A "STRONG HAND, until he has yielded to certain demands, and "for that purpoſe gather company, or write letters, that is an "overt act to prove the compaſſing the King's death; for it is "in effect to depoſe him of his Kingly Government, and was "ſo adjudged by all the Judges in Lord Cobham's caſe."

Here, you obſerve, that the conſpiracy, even to impriſon the King, is not ſtated as a ſubſtantive act of Treaſon, indepen-

dently of a deſign againſt his LIFE, but only as an overt act to prove the compaſſing of his DEATH; and ſo far was Hale from conſidering that conſtructive attempts upon the King's *Government* or *Authority*, without direct force pointed againſt his *perſon*, could even be offered as evidence to ſupport an indictment for compaſſing his death, that he ſeems anxious to prevent the reader from running to ſuch a concluſion; for he immediately afterwards ſays, "But then this muſt be intended of a conſpiracy "*forcibly* to detain and impriſon the King."

Gentlemen, I have only troubled you with theſe obſervations, to prevent any thing which has been offered, as evidence upon this trial, from being at all confounded in your minds, as connected with the charge.—We have indeed attempted nothing againſt the King's *Government*, but leaving that ſtill to be the queſtion, there is not a tittle in the whole body of the proof, which has any the remoteſt relation to any conſpiracy to *ſeize* the King, or to *depoſe him*, which alone could ſupport a charge of compaſſing the King's death; for the indictment itſelf does not point even to any conſpiracy to depoſe the King directly by force againſt his perſon, but only conſtructively, through the medium of a ſubverſion of the Government.

Gentlemen, the charge, therefore, which the Crown ſeeks to bring home to us, not only as it is to be collected from the indictment, but as it is explicitly pointed by the argument, is this—that a deſign was formed to call a Convention of the Nation, and that the priſoner at the bar was engaged in it; that he conſulted with others for the appointment of Committees of co-operation and conference, conſiſting of the perſons now in priſon, who were delegated by the two great London Societies at the head of the conſpiracy; and that the Convention, which was to be aſſembled as the reſult of this confederacy, was to deſtroy, by force, the legal Government of the Country, and to form itſelf into a Legiſlature for the nation: thereby ſuperſeding, not only the functions of the three branches of Parliament, but the executive authority of the Crown: That this, and this alone, was the ſecret object of all theſe Societies, though covered with popular pretexts of reſtoring the Conſtitution, until their machinations

dinations ſhould be ſufficiently ripe to throw off the veil, to avow their principles, and to eſtabliſh them by force: that this, therefore, amounted to a conſpiracy to depoſe the King, which was an overt act of High Treaſon for compaſſing his death.

Gentlemen, I am ſure I have done juſtice to the Crown, in my ſtatement of its propoſition; and I will be equally juſt in my anſwer to it.—For I admit, that if the Attorney General ſatisfies you *upon the fact*, that this propoſition is true, he gives you evidence from whence it ought to be left for your very ſerious judgment, Whether thoſe who were engaged in a conſpiracy to uſurp the King's authority, might not be reaſonably ſuppoſed to have alſo contemplated his deſtruction, which was ſo likely to follow from the annihilation of his office? I deſire it may be remembered, that I have never diſputed, either now or upon the former trial, that the deſtruction of the King's natural life is a probable conſequence of a forcible coercion of his perſon, for the extinction of his authority; nor that an act done with deliberation, leading to a mainly probable conſequence, is not good EVIDENCE of the intention to produce that conſequence. My whole argument has only been, and ſtill is, THAT THE INTENTION AGAINST THE KING'S LIFE IS THE CRIME, THAT ITS EXISTENCE IS MATTER OF FACT, AND NOT MATTER OF LAW, AND THAT IT MUST THEREFORE BE COLLECTED BY YOU THE JURY, INSTEAD OF BEING MADE THE ABSTRACT RESULT OF A LEGAL PROPOSITION, FROM ANY FACT WHICH DOES NOT DIRECTLY EMBRACE AND COMPREHEND THE INTENTION WHICH CONSTITUTES THE TREASON.

But, that this is the law of England, and the law immediately applicable to the preſent queſtion, fortunately does not depend upon any argument of mine, nor upon any appeals I have made to the authoritative writings of the ſages of the profeſſion. I have a much better ſecurity for my purpoſe—the ſecurity that what his Lordſhip, who is to aſſiſt you in your deliberations, has ſaid upon one occaſion, he will ſay upon another; I have the expreſs and direct authority of Lord Chief Juſtice Eyre, in that part of his charge to the Grand Jury, where he laid before them

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the very matter we are now engaged in for their conſideration. "If," ſays his Lordſhip, "there be ground to conſider the pro-"feſſed purpoſe of any of theſe aſſociations, a Reform in Parlia-"ment, as mere colour, and as a pretext held out in order to "cover deeper deſigns—deſigns againſt the whole Conſtitution "and Government of the Country; the caſe of thoſe embarked "in ſuch deſigns is that which I have already conſidered. Whe-"ther this be ſo, or not, is mere matter of fact; as to which I "ſhall only remind you, that an inquiry into a charge of this "nature, which undertakes to make out that the oſtenſible pur-"poſe is a mere veil, under which is concealed a traitorous con-"ſpiracy, requires cool and deliberate examination, and the "moſt attentive conſideration; and that the reſult ſhould be "perfectly clear and ſatisfactory. In the affairs of common life, "no man is juſtified in imputing to another a meaning contrary "to what he himſelf expreſſes, but upon the fulleſt evidence." This the learned Judge lays down with the greateſt propriety as a general rule of evidence, applicable to all caſes, and therefore moſt emphatically applicable to High Treaſon, where the priſoner is not to be criminated by conjectures, and inferences, or ſtrains of wit, but proveably attainted according to the language of the ſtatute. It muſt be remembered, too, that this ſound and ſalutary doctrine was not delivered by the Court as an *abſtract propoſition*, but the application of it was *directly pointed to the occaſion*, and given to the Grand Jury, as a ſtandard to direct their judgments *in the very matter before us*. The cauſe, therefore, is brought beyond the power of evaſion or controverſy, to one ſhort point, diſentangled from all ambiguity or legal diſtinction; ſince, upon the expreſs authority of the Court, which ſits to try the priſoner, independently of all other authorities, it is a mere naked queſtion of fact which you are to examine: there is nothing which can affect him legally, or which, it is even contended, can affect him, unleſs you are prepared to ſay, upon your oaths, in the preſence of God and your Country, that you have materials in evidence before you, from whence you feel yourſelves bound in conſcience to pronounce, that the parties who engaged in the propoſition of holding a Convention, did

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NOT engage in it according to their profeſſions to collect the public opinion, upon the ſubject of national abuſes, and for the conſideration of conſtitutional redreſs, but for the expreſs, though concealed purpoſe of reſiſting, BY FORCE, the authority of Parliament. I repeat the expreſſion of reſiſting, BY FORCE, the authority of Parliament, and aſſuming to themſelves the controul and dominion of the Nation. THIS IS THE FACT TO BE MADE OUT, AND THE BURTHEN OF THE PROOF IS UPON THE CROWN. I do not ſtand here to diſprove, but to examine what has been proved; and I confeſs myſelf, therefore, to be utterly at a loſs how to purſue my diſcourſe—for you have heard nothing upon which you would pull a feather out of a ſparrow's wing; there is not only no evidence upon which reaſonable men might deliberate between a verdict of guilty or not guilty, but, literally, NO EVIDENCE AT ALL; nothing that I could addreſs myſelf to, but through the medium of ridicule, which, much as it would apply to the occaſion in other reſpects, it would be indecent to indulge in upon a great State Trial, ſo deeply concerning the dignity of the Country, and ſo ſeriouſly affecting the unfortunate perſons whom I ſhall be called upon hereafter to defend.

Let not, however, this condition of a proſecution, commenced under ſuch exalted auſpices, depend upon my ſingle aſſertion, but let it be brought to the teſt of examination.

The Attorney General contends, that he has made out PROVEABLY, without the poſſibility of a reaſonable doubt, that this Convention was projected for the deteſtable purpoſe charged by the indictment; and that their avowed objects were nothing but a ſurface of colour and deceit. He ſays, that two Societies were ſet on foot in this town, for theſe traitorous objects; that one of them (the Conſtitutional Society) was inſtituted by Mr. Tooke, and that he organized and ſuperintended the other: that he prepared their reſolutions; that he ſuperintended their correſpondence with ſimilar Societies, which were eſtabliſhed at Sheffield, Mancheſter, Birmingham, Edinburgh, Perth, and moſt of the populous towns in both parts of Great Britain; and that the whole body of their communications with one another,

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manifeſted their deſign againſt the very being of the Government. This is the propoſition—but has he proved it, or any part of it? I anſwer—he has not. In the firſt place, did Mr. Tooke ſet on foot the Conſtitutional Society? I anſwer again, he did not. It was inſtituted by a moſt worthy and honourable perſon, who will be called before you as a witneſs, if you ſhall not think your time miſpent in hearing evidence where nothing has been proved: it was inſtituted by Major Cartwright, a man as much attached to the Conſtitution of his Country, and as enlightened to underſtand it, as any one who hears me, whatever may be his ſtation. This aſſertion is not made from the inſtructions of a brief; I ſpeak from my own knowledge of the man: Major Cartwright, who began that inſtitution, continued to be a member of it during the progreſs of its proceedings arraigned before you; he is a member of it now; and he will tell you, that he ſhall continue to be one, notwithſtanding this proſecution, until its objects are accompliſhed.

The Conſtitutional Society was inſtituted by this Gentleman, for the object which it has uniformly profeſſed and adhered to—an object which it purſued in common with ſome of the greateſt and wiſeſt men which this Country has for ages produced; it was inſtituted to produce, if poſſible, by the progreſſive influence of public opinion, a Reform IN THE COMMONS HOUSE OF PARLIAMENT; a meaſure certainly not originated by Major Cartwright, but forced by the corruptions of Parliament itſelf, and the conſequent calamities of our Country, upon the attention of every enlightened ſtateſman during the preſent reign. The father of the preſent Miniſter uniformly and publicly imputed the calamities of Great Britain to this fatal ſource. The ſucceſſion of deſtructive wars, without a national object; the raſh and improvident expenditure of public money; the ravages upon the Conſtitution, by the influence of the Crown—were all of them placed by this great ſtateſman to the loſs of that controul in the people, over the proceedings of Parliament, which they were entitled to by the ancient principles of the Conſtitution. The great Earl of Chatham was one of the firſt perſons who called the attention of the public to the abſolute neceſſity

of a Reform in Parliament, to redeem the nation from ruin: It was the great feature of his life, and the foundation of his fame.

As the avowed objects of the Society were thus originated and countenanced by perſons of the higheſt ſtation, let us ſee whether it was inſtituted for the perverſion of theſe principles by obſcure and neceſſitous men. Gentlemen, the contrary is moſt notorious; and it may be eſtabliſhed by referring to the names of the original members; the Duke of Richmond was one of the earlieſt; and he puſhed the principle and the practice of Reformation very much farther than Mr. Tooke has ever been diſpoſed to follow him: a fact which I promiſe to eſtabliſh by the uniform tenour of his life. Mr. Tooke conſidered the diſpoſition of the popular franchiſe of election as matter of expediency in Government, and to be moulded by Parliament in its diſcretion for the attainment of Conſtitutional Freedom; the Duke, on the other hand, conſidered Univerſal Suffrage to be an inherent privilege of the people—to be CLAIMED by them AS OF RIGHT, and not yielded to them as an indulgence. It is not to be wondered at, therefore, that his Grace's doctrines ſhould acquire the aſcendancy; ſince, independently of his illuſtrious patronage, they were more flattering, and better calculated for a rapid progreſs. I agree with the Duke of Richmond, that there exiſts in the people of England, as in every people, an inherent right to be governed according to the univerſal aſſent of the community. But I think that the people would judge weakly for themſelves by deſiring their repreſentatives to carry forward to the Crown, for its ratification, the ſyſtem of UNIVERSAL Suffrage. But while I ſay this, as Mr. Tooke's ſentiments, and as my own, I confeſs, at the ſame time, that the arguments by which the Duke of Richmond ſupported his ſyſtem, and which has been uniformly followed by all the other priſoners, were not calculated to impoſe upon the ignorant, but are well worthy of attention and conſideration from the wiſe. The Duke's argument was of this ſort (I do not profeſs to adopt the very phraſe)—When it is conceded, ſays his Grace, that ſome Reform of Parliament is indiſpenſably

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neceſſary for the ſafety of the Country, who is to inſure a Reform that will give general ſatisfaction, and produce obedience and ſtability. If you go to a given extent, founded upon principles of expediency, others, upon the ſame principles, will ſeek to puſh it to an extent ſtill further, and others to an extent beyond that; ſo that Reformation, however pure the deſign of its author, inſtead of giving firmneſs and vigour to Government, would only be the parent of diſcontent. This was the difficulty which occurred to the Duke; and out of it he ſaw no road, as he himſelf expreſſes it, but a Reform upon principle, which grants nothing from expediency or favour, "BUT WHICH "GIVES TO EVERY MAN HIS OWN." Theſe were his Grace's doctrines, as I ſhall read them preſently from the work which he acknowledged in the courſe of his former evidence, and which appears, throughout the whole cauſe, to have been the very ſcripture of all theſe Societies. Theſe, I doubt not, are his Grace's opinions ſtill; for though a man may change his ſentiments in matters which depend upon policy and expediency —though he may think it prudent to grant at one time that which further reflection may ſuggeſt to be unwiſe to be granted, yet no honeſt man can change his mind as to the propriety of giving to every man what he believes and acknowledges to be his own. But the Duke of Richmond's opinions are not the queſtion: it is ſufficient to me, that when theſe opinions were publiſhed, and for a long time inſiſted on by this intelligent and illuſtrious perſon, no man living thought of imputing, or can now reaſonably impute, to him, a deſign to overturn the Conſtitution, or to enervate its functions. Yet you are now called upon to devote to infamy and death the Gentleman whom I am defending, not indeed for treading in the Duke of Richmond's ſteps—not indeed for adopting the plan of Univerſal Suffrage, or for following it up by the ſame means which the Duke has recommended, but for ſhrinking to a plan far more reſtrained and moderate, and declining even to effect that ſyſtem of moderation, by the procedure which the Duke both inculcated AND PRACTISED.

But it ſeems all theſe doctrines and proceedings are but colour and deceit, manifeſted by the diſcipline and regularity of their ſiege againſt the character and authority of Government. The conſpirators ſat, it ſeems, by *delegated authority*, from multitudes too large for conſultation;—they did ſo, certainly; ſtill purſuing the example, in form as well as in ſubſtance, of the higheſt men in the kingdom, amongſt whom, by the by, are to be found many of the members of that Government which has levied this proſecution. I will prove to you (for I have now in Court ſome of the firſt and moſt honourable men in the Kingdom to prove it) that in the year 1780 the very ſame plan of delegation from large bodies was adopted; and for the identical object of correcting, by the formidable engine of public diſcountenance and cenſure, the improvident expenditure of public money, wrung from the people by corrupt influence in the Houſe of Commons. I will prove that, for the expreſs and avowed purpoſe of reforming the Government of the Kingdom, theſe honourable perſons, who were never accuſed or ſuſpected of Treaſon, ſat in Convention in the Guildhall of the city of London; Delegates for different diſtricts were appointed, ſome of whom are now in my eye; and you will find, in ſhort, that no one ſtep, in form or in ſubſtance, has been taken by the moſt unfortunate perſons who are now the ſubjects of this proſecution, that were not taken, and, in my opinion, legally and conſtitutionally taken, by their ſuperiors, whoſe examples they have followed. Let my expreſſions be properly underſtood; I ſtand upon a great theatre, and ſhould be ſorry to ſay any thing which I can have occaſion to recal. Let it be recollected, that I am not defending *all the papers* which have been read; ſome of them are raſh and abſurd in the extreme; many of them are indecent; many of them claſh with one another, which is not ſurpriſing, ſince they were written by perſons of various deſcriptions, who had no communication with one another. But that is not the queſtion—the queſtion is, what were the objects of theſe ſocieties, from the reſult of the whole evidence? Theſe papers are *not* proſecuted as libels, but are

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charged to have been written *with the intention* to promote a Convention to ſuperſede and aſſume the Government. But will any honeſt man ſay, that he can collect from theſe writings, *taken in a maſs*, and as indicative of the purſuits of their authors, any ſuch intention or ſyſtem: on the contrary, it is impoſſible to liſten to them with common candour and attention, without obſerving, that the needle is not truer to the pole, though when it is diſturbed and agitated it oſcillates round the point of its attraction, than theſe poor people were to the promotion of Reform IN THE COMMONS HOUSE OF PARLIAMENT, by collecting the ſenſe of the people on the ſubject; conſcious that though Parliament, as the Duke of Richmond expreſſes it, would not ſpontaneouſly yield what thoſe who ſway it have a corrupt intereſt in refuſing, yet that it might be obtained by that which muſt, and will in the end, obtain every thing from any Government, however conſtituted—by the ſlow, gradual, and progreſſive effect of public opinion. And I do maintain here, in my own perſon, that it is the privilege of Engliſhmen ſo to collect the opinion of the country; and that it is the duty of Parliament, nay, its very uſe and office in the State, to attend to, and to give effect to the opinions ſo collected. An eminent perſon, whoſe writings I have often had occaſion to cite, expreſſes this ſentiment with admirable juſtneſs and force—

"The virtue, ſpirit, and eſſence of the Houſe of Commons, "conſiſts in its being the expreſs image of the feelings of the "nation. It was not inſtituted to be a controul UPON the "people, as of late has been taught, by a doctrine of the moſt "pernicious tendency, but was deſigned as a controul FOR the "people. It was ſuppoſed originally to be *no part of the ſtanding Government of this Country*; but was conſidered as a "*controul* upon it, iſſuing *immediately* from the great body of "the people, and ſpeedily to be reſolved into the maſs from "whence it aroſe."

To bring back the Houſe of Commons to this genuine office and character, by fixing the public attention to its departure from it, is the obvious drift of all the proceedings of the Societies, as they are fairly to be collected from the evidence. Un-

doubtedly there are amongſt the papers ſtrong invectives againſt unbridled Monarchies, becauſe they were written whilſt Monarchs, having no law but their unbridled ambitions, were laying waſte the liberties of the world; there are, I admit, ſtrong cenſures upon thoſe corruptions which have embarked this Country in a ſyſtem (as they thought it) of tyranny and injuſtice; but there is nothing in them which touches the King of Great Britain's Majeſty or Office, or the hereditary dignity of the Peers; there is nothing which glances at a wiſh to introduce a Republic into England: there is ſtrong Democracy, indeed, but it is confined to its proper ſphere—to the reſtoration of the Houſe of Commons, which is the conſtitutional Democracy of England.

The Houſe of Commons is perpetually talked of as if it were a ſelf-exiſting body, independent of the people; whereas it is their mere agent; the organ by which they ſpeak and act; and which betrays and abdicates its truſt the moment that it aſſumes a language of its own, which the people does not auſpicate and approve. Take away *ſuch* a Houſe of Commons from the Britiſh Government, remove the controul which the people have in it upon the executive authority by the free choice of their repreſentatives, and then tell me how it differs from the moſt deſpotic eſtabliſhments, which are the juſt deteſtation of the world? Yet how can it be aſſerted that the people of England have that controul, if they have not the free choice which beſtows it. The Society of the Friends of the People, part of whoſe proceedings the Crown has thought fit to make evidence, and to ſpeak of with reſpect, have placed upon the Journals of the Houſe of Commons, and demonſtrated by poſitive evidence, this fallen, humiliated condition of the Country. They offered to prove that Peers and the Treaſury actually nominate ninety members, and procure, by influence, the return of ſeventy-ſeven more, making together one hundred and ſixty-ſeven. That ninety-one individual Commoners in the Country, procure the election of one hundred and thirty-nine, and that one hundred and ſixty-two individuals abſolutely return three hundred and ſix members, a majority of the entire Houſe of Commons.

Gentlemen, this is no vague aſſertion of mine—I am

reading the preciſe ſtate of it, as it was offered by a regular motion in Parliament, which I had myſelf the honor to ſecond; we offered to eſtabliſh that one hundred and ſixty-two perſons did actually return three hundred and ſix out of five hundred and fifty-eight, which is a majority of the Houſe. So that every thing that is to bind and aſcertain your rights or mine; every meaſure that is to promote the glory, or to bring on the deſtruction of the Country; every act or ſyſtem of Government, which is either to give us the continued proſperity of peace, or to afflict us with waſting and calamitous wars; every event that may render this mighty nation flouriſhing and happy to the lateſt poſterity, or bend it down to the ignominous yoke of foreign or domeſtic enemies; all theſe heartſtrings of a people, inſtead of depending upon a Houſe of Commons, proceeding from themſelves, are to be pulled and torn aſunder, as the caprice or intereſt of one hundred and ſixty-two individuals, who chooſe repreſentatives for the whole kingdom, may ſuffer or direct. Yet we are told that it is the pride and glory of the Engliſh Government that by law we are equal, living under the ſame ſanction, and enjoying ſimilar privileges.

Gentlemen, all this was made manifeſt to the Houſe of Commons by the honourable Gentleman who made the motion I allude to, and who held this language, which the meaneſt man in England can underſtand. We aſſert this to be the condition of England: if you ſay it is *not*—do juſtice to yourſelves by calling upon us for the proof, and expoſe your calumniators to reproach—but if it *be* the condition of England, ſhall it not be redreſſed? Gentlemen, the proof was not received, and the grievance continues. This is the clue to the whole evidence.

I do not mean, therefore, to ſay, (and let it be underſtood that I have not ſaid) that my clients would not be equally guilty, and equally ſubject to capital puniſhment, if, under the irritation of this or any other grievance, they had ſaid—Let us ſuperſede this ſurreptitious Parliament, and hold a Convention to aſſume its functions.—When I aſſerted that the people in this, and in every Country, had a right to change their Government, I never meant—what muſt have been ſuppoſed by the Court, from the in-

indulgent interruption I received—I never meant that each individual, chooſing for himſelf, might riſe in arms to overturn, by force, an eſtabliſhed Conſtitution—Far from it, Gentlemen—I meant to ſay—what the people of England will be the laſt to miſunderſtand, as they were the firſt to practice—that all Governments ſtand upon the public will, and ought to endure only for the public benefit; and that when this ſacred maxim is forgotten, or trampled upon, a nation, without the conſpiracy of individuals, which criminal law can act upon, will, ſooner or later, do itſelf juſtice. I meant further to ſay, that when I obſerve men referring to theſe great and original principles of Society—when I ſee them recurring, in argument to the deeds of freedom which their anceſtors have achieved—when I ſee Engliſhmen particularly referring to the glorious æra of the Revolution, when their fathers drove from the inheritance of the Crown a race of Kings which had reigned over them almoſt time beyond memory, and ſent for a private man (*to them at leaſt*) to govern in their ſtead—when I contemplate this diſpoſition, I am ſo far from conſidering it to be an attack on the King's authority, that, in my mind, it is a freſh confirmation of, and exultation in his title: his Majeſty is the King of the people, upon the principle alone that the people can change their Kings; and it is the moſt glorious title which any Prince can enjoy. THESE ARE MY SENTIMENTS. I love the King, but I can have no other reſpect or affection for him than that which grows from the common relation of Prince and ſubject—But ſpeaking of him who by the courſe of nature is to ſucceed him, and feeling much more than a common intereſt in his proſperity and glory, I hold the ſame language, and have ever, publicly and privately, held it. If he is not to inherit and to fill the Throne upon that beſt and moſt honourable title, his inheritance is not worth having, and is not long to be had. They who act upon any other principle, betray the King, and endanger his eſtabliſhment. Say to the people of England, this is your Conſtitution—It is not faſtened upon you as a weight to cruſh you—but has deſcended to you from your wiſe forefathers, for your protection and happineſs—It is their inſtitution, the work

of

of their wiſdom, and their heroic valour—As they made it for themſelves and their poſterity, ſo you may change it for you and for yours.—BUT WILL YOU WANTONLY DESTROY YOUR INHERITANCE? Say this to them, and to uſe the expreſſion of a celebrated ſpeaker, in the caſe of America, "They will cling and "grapple to their Conſtitution, and no force under Heaven will "tear them from their allegiance to it." Let thoſe, then, who govern the Country, beware how they propagate the faſhionable doctrines of corrupt power. Let them recollect that the Engliſh people are generous and enlightened, and know the value of their own inſtitutions. Treat them with liberality, confidence, and juſtice, and nothing is to be feared. But if, on the other hand, a ſyſtem of conſtraint and terror is to be purſued, and one part of the nation frightened or corrupted to defame the other, I tremble to think of, and dare not give utterance, in this place, to the conſequences.

This was foreſeen by the Duke of Richmond, and was the avowed and wiſe reaſon for his earneſtneſs in the cauſe of Reform; and he ſo expreſſes it in his publication, which the whole proof has demonſtrated to have been the cauſe and the model of all the proceedings before you:—Why then are their motives aſſumed or argued, againſt the whole evidence, to be different? I will read the paſſage.

"The leſſer Reform has been attempted with every poſſible "advantage in its favour; not only from the zealous ſupport of "the advocates for a more effectual one, but from the aſſiſtance "of men of great weight, both in and out of power. But "with all theſe temperaments and helps it has failed. Not one "proſelyte has been gained from corruption; nor has the leaſt "ray of hope been held out from any quarter, that the Houſe "of Commons was inclined to adopt any other mode of Re-"form. The weight of corruption has cruſhed this more "gentle, as it would have defeated any more efficacious plan, "in the ſame circumſtances. From that quarter, therefore, I "have nothing to hope." From what quarter was there nothing to hope? From the Houſe of Commons, which had been tried, in which not one proſelyte had been gained from corruption,

tion. What then was his reſource? I ſhall give it you in his own words. "It is from the people at large that I expect any "good. And I am convinced that the only way to make them "feel that they are really concerned in the buſineſs, is to con- "tend for their *full, clear and indiſputable rights of Univerſal* "*Repreſentation.*" Rights that are repugnant and contradictory cannot exiſt. If there be a right in the people to Univerſal Suffrage, it is the Government which conſpires againſt the people, and not the people againſt Government. But my client offers no ſuch argument—he differs totally from the Duke of Richmond; and therefore, when his Grace comes here to give evidence, he ought not, upon the only principle which can juſtify theſe proceedings, to be permitted to retire; ſince he has written and done ten times more than can be imputed to the unhappy, miſerable men who are now languiſhing in priſon, for following much leſs than his example. His Grace, in the ſame paper, expreſſes himſelf further, in theſe remarkable words:— "When the people are fairly and equally repreſented in Parlia- "ment, when they have annual opportunities of changing their "deputies, and, through them, of controuling every abuſe of "Government in a ſafe, eaſy, and legal way, there can be no "longer any reaſon for recurring to thoſe ever dangerous, "THOUGH SOMETIMES NECESSARY, EXPEDIENTS OF AN "ARMED FORCE, WHICH NOTHING BUT A BAD GOVERN- "MENT CAN JUSTIFY. Such a magnanimous end to your "proceedings, when, after having reſtored liberty, commerce, "and free Government to your Country, you ſhall voluntarily "retire to the noble character of private citizens, peaceably en- "joying the bleſſings you have procured, will crown your la- "bours with everlaſting glory, and is worthy the genuine pa- "triotic ſpirit which animates the Iriſh Volunteers." Let it not be forgotten, that this letter was addreſſed to Colonel Sharman, commanding a large armed force in Ireland, without commiſſion from the Crown.

Gentlemen, it is amazing the different effect which the ſame writings have, according as the author happens to be cited when the work is read. If this letter, which coming from the

pen

pen of the Duke of Richmond, is only a ſpirited remonſtrance againſt corrupt Miniſters, had been read in evidence by Mr Shelton, at the table, as the letter of Citizen Margarot, Skirving, or Yorke, the whole maſs would inſtantly have been tranſmuted into High Treaſon againſt the King. But it ſeems that their objects were different—for that it is plain they had abandoned the Conſtitutional mode of petition, which was alone recommended in this letter.

Gentlemen, I maintain that this imputation is directly in the teeth of the whole body of the evidence. All the witneſſes, both now, and upon the former trial, and the witneſſes too for the Crown, prove the very reverſe: they all ſay that they looked to ſucceſs through the ſlow operation of reaſon; that they knew that the Houſe of Commons would diſregard, as it had often diſregarded, the ſcattered petitions of ſmall numbers; but that if they could collect the univerſal ſenſe of the people upon the ſubject, the ſucceſs of their object would be inſured, and inſured through the regular organs of Government. How elſe were the queſtions on the ſlave trade carried? Parliament had treated the meaſure, in its origin, with contempt; and I muſt ſay, that the arguments againſt its ſudden or ſpeedy abolition were ſo weighty, in my mind, that I could not give my aſſent to it; becauſe I knew, from an acquaintance with the iſlands, that part of the evidence was erroneous and exaggerated; and becauſe I thought the white population totally inadequate and inſufficient to maintain the ſettlements eſtabliſhed under the faith of the nation; but when at laſt the great voice of the people of England came to be collected together—when Parliament was ſurrounded, not with arms, but by petitions—I recollected that I was a repreſentative of the people, and that my opinion ought to be controuled by the judgment of the nation. Many others, I believe, conducted themſelves upon the ſame principle. The conſtituents of any given member have no right to controul his judgment, BUT THE VOICE OF THE PEOPLE OF ENGLAND, UPON ANY SUBJECT, OUGHT TO BE A RULE TO THE HOUSE OF COMMONS. Theſe very petitions, upon the ſubject of the ſlave trade, were collected too in the very manner which

now

now gives ſuch mighty offence; for they were managed by delegation, and committees of conference, and co-operation in every part of the kingdom.

Let us next examine what part of the offence, upon the principles it is contended to exiſt, applies peculiarly to the unfortunate priſoners, who have been ſelected for criminal juſtice; and if their guilt can be eſtabliſhed, let us ſee how many are to be involved in it; for Mr. Attorney General is a perſon of too much wiſdom and experience, to impute to the ſeven people in Newgate, the deſign to call a Parliament, without a wide ſpread combination. How then is the line to be drawn? And to what circumference is the empire of deſtruction to extend? If the evidence of the conſpiracy is to be collected from the whole maſs and tenor of the conduct of theſe Societies, and is to attach upon the priſoners, not from any ſpecific act of their own, but principally becauſe they belong to ſome one of them as members, it is plain that all who have at any time, or yet belong to them, are equally implicated in guilt, and equally ſubject to death under the law. How many tenants at the will of the Miniſters are there upon this principle to hold their lives in Great Britain? All the hundred and eighty Delegates who met at Edinburgh, and all the thouſands who ſent them, are of that deſcription; and thouſands more in every populous town in this part of the Kingdom.

Let every man, therefore, be reſponſible for his own acts, and not for the writings and opinions of others, and more eſpecially of others whom he never ſaw or heard of. When men cooperate for ſome PUBLIC object, which in common they agree in, it can never happen that they ſhall agree in *every thing* belonging to it; nor is a man's opinions ever to be taken, even by the reſult of the reſolutions of thoſe with whom he aſſociates for an avowed object.—I ſhall exhibit to you a proof of this in one of the moſt enlightened men that England ever bred, and to whom ſhe owes unparallelled obligations. I mean to call Mr. Fox, who will tell you that he was a Delegate for Weſtminſter, in the year 1780, when a Convention was held to conſider of the beſt means for obtaining a Reform in Parliament; his

his opinions were always adverſe to Univerſal Suffrage, yet, nevertheleſs, his name appears to the petition, which aſked it of the Houſe of Commons, being ſigned to it as chairman of the body; governed by its majority, and bound to give effect to its proceedings. In the ſame manner vicious men may mix themſelves amongſt the honeſt, with the ulterior deſign of eſtabliſhing evil upon the baſis of what is good: it ever muſt be ſo in all the tranſactions of the world, and parts of the evidence may lead to a ſuſpicion, that it might be ſo in the preſent inſtance; but for that very reaſon a Jury ought to be the more abundantly cautious of the effect of foreign and irrelevant matter; and ſhould examine into each man's guilt or innocence, by his own individual conduct.

Gentlemen, I have hitherto inſiſted upon the views of the Conſtitutional Society, as they are to be collected from its origin and its acts; and I am equally prepared to ſhew (indeed it moſt deciſively appears already, by every thing which has been proved by the Crown) that the objects of the Correſponding Society were preciſely ſimilar; that they were avowed by their original inſtitution, which they publiſhed to the world; and which, though publiſhed upwards of three years ago, and though ever ſince in moſt extenſive circulation, were not by the Crown even conſidered as in any reſpect injurious or illegal. Yet now after having for all that time been tranſcribed into every newſpaper, and ſold publicly by every bookſeller in the kingdom, without even a common information being put upon the file againſt any printer for a libel; they have been ſuddenly got together, not againſt their authors, but againſt a ſtranger to their very exiſtence, and have furniſhed the elaborate commentary upon the ſtatute of High Treaſon, which you have been obliged to liſten to for ſo many days together.

Let us now examine this original inſtitution of the Correſponding Society, and ſee whether in ſobriety and fairneſs it furniſhes the remarks which have been made upon it——

It is charged with the introduction of dangerous novelties—yet on the very front of it where they ſet out with deſcribing their objects, they ſay—" Laying aſide all pretenſions to *origi-*

" *nality*, we claim no other merit than that of *re-conſidering* " what has already been urged in our common cauſe, by the " Duke of Richmond, Mr. Pitt, and their then honeſt party " years back, and perſevere in ſupporting with candour and " zeal, the banners of truth already diſplayed by them." Now I aſk any perſon who will only conſent to exerciſe the common candour of a gentleman (to ſay nothing of the ſcrupulous reſerve of criminal juſtice) whether it was poſſible for a Society, whoſe object was to perſevere in the cauſe which Mr. Pitt, and the Duke of Richmond had originated and deſerted, better or more diſtinctly—better or more diſtinctly to expreſs it; the language is moſt preciſe and unambiguous. But it ſeems that it is all colour and deceit—It may be ſo—but they who aſſert that a man's meaning is the very reverſe of his expreſſions, muſt prove that variance as a matter of FACT, by comparing his conduct with his declarations. Has any ſuch proof been given in the inſtance before us? So far from it, that we are now upon the ſecond trial, after the acquittal of Mr. Hardy, who ſtood before a Jury to anſwer for this very paper, of which he was the author, and to which his name was ſigned. The whole object of that trial was to ſhew this variance between the conduct of the Society, and this its original and public profeſſion; with what ſucceſs the late verdict has recorded: not a witneſs appeared for the Crown who did not prove the very reverſe of the imputation; poſſeſſed of the moſt private papers of all whom raſhneſs thought fit to ſuſpect, not a ſcrap of writing was produced to eſtabliſh any departure from the open avowed objects of their inſtitution: yet, notwithſtanding the acquittal of the avowed author and publiſher of this paper, to the expreſſed ſatisfaction of the Court and Country, it is now read over again as evidence, and vehemently inſiſted upon with the very ſame arguments which had been before rejected, with this difference only, that inſtead of being urged as formerly againſt him who was accountable for its contents, they are now employed againſt a gentleman who does not appear from any proof to have been even acquainted with its exiſtence; and who began, and had been purſuing *his* object (whatever it was) for years before the paper had a being,

ing, which is uſed to decypher his intentions. How completely is the Lord Chief Juſtice's argument ſubverted, and torn to pieces by this procedure.—So far from ſanctioning the principle, that men are not entitled to the benefits to be derived from a fair conſtruction of their expreſſions, his Lordſhip told the Jury, that, in a caſe ſo highly penal, they were not even ſtrictly to be bound by their literal interpretation: yet you are now gravely aſked to condemn to death the gentleman at the bar, by taking the meaning to be directly the reverſe of what language has eſtabliſhed, although all the extrinſic evidence by which alone ſuch a latitude of judgment could be endured, falls in with and ſupports the ordinary conſtruction of the writing.

The logic by which this mode of judgment is eſtabliſhed keeps pace in novelty with the propoſition itſelf. "People may "talk of their loyalty," ſays the Solicitor General, "and of "their love for the Conſtitution, when nothing like it is in "their hearts. Lord Lovat did ſo when he was plotting the "deſtruction of his Country." Surely this obſervation is hardly worthy of ſo learned a man—Lord Lovat took up arms againſt the King; he was actually taken in open and banded rebellion; and, therefore, to be ſure, any thing he might have ſaid or written, upon the ſubject of his principles or intentions, could be of no avail: whatever he might have *ſaid or written, his open deed, condemned* HIM. If a man holds a knife to my throat to deſtroy me, it is in vain for him to ſay he loves me.—But to give the caſe of Lord Lovat any bearing upon the preſent, you muſt firſt prove that our deſign was to arm; and I ſhall then admit the argument and the concluſion. But has any ſuch proof been given upon the preſent trial? It has not been attempted—the abortive evidence of arms has been abandoned—even the ſolitary pike, that formerly glared rebellion from the corner of the Court, no longer makes its appearance; and the knives have retired to their ancient office of carving. Happy was it, indeed, for me, thay they were ever produced, for ſo perfectly common were they throughout all England, and ſo notoriouſly in uſe for the moſt ordinary purpoſes, that the public juſtice and benevolence, ſhocked at the perverſion of truth in the evidence concerning

cerning them, kept pouring them in upon me from all quarters. The box before me is half full of them, and if all other trades ſhould fail me, I might ſet up a cutler's ſhop in conſequence of this cauſe.

The next paſſage of the original inſtitution, which the Solicitor General ſelected for obſervation, is preciſely of the ſame ſort. It is impoſſible to ſupport his argument on it without confounding the whole ſtructure of language—If, (ſay they,) we can once *regain* an Annual Parliament, to be fairly choſen by the people, they will then be RESTORED to their juſt ſhare in the Government of their Country. The expreſſion is, REGAIN Annual Parliaments—yet the charge is, that the Conſtitution was to be wholly ſubverted, and a new and different one eſtabliſhed.—How is it poſſible to REGAIN that which was never before eſtabliſhed?—How were they to *regain* that which they were themſelves to *invent*, and to *create?*—How was that to be *reſtored* which *never before* had an exiſtence.

Gentlemen, the next accuſation againſt the Correſponding Society is ſo manifeſtly, and ſo glaringly unjuſt, that I feel I have a right to complain of its introduction.—Not of its introduction by my learned friends, who were bound to lay before the Jury, all the materials which the two Houſes of Parliament, repreſenting the nation, had adopted upon the ſubject; the Attorney General was undoubtedly bound in juſtice to the priſoner, as well as in deference to Parliament, not to garble the proceedings, but to ſubmit the whole of them to your conſideration. I have no complaint againſt *him, or againſt any of the honourable men who aſſiſt him.* So far from it, I have nothing more at heart, at this moment, than that the impreſſion of my obſervations ſhould reach beyond the Court, and affect THE ATTORNEY GENERAL HIMSELF, whoſe candour and integrity I know will be open to receive them. It was impoſſible he could know what he has learned from the evidence in the laſt cauſe, or what he is yet to learn from it in this.—As far as I foreſee that the moſt beneficial conſequences may ariſe to others hereafter, from the ſubject being ſeen by my learned friend, in its true and genuine colours, I ſhall, whatever may

be

be the labour to myſelf, proceed in the detection of the fallacies which have been heaped on one another, though many of them have little or no application to the defence I am now engaged in. My client, indeed, generouſly impoſes this burthen. As he looked only to the general happineſs, in the conduct which brings him a priſoner before you, without any poſſible view of advantage to himſelf, ſo he now looks anxiouſly round him with the ſame generous and independent ſpirit, and enfeebles, by expanſion, the argument of his own innocence, that it may extend to protect the innocence of others, and to vindicate the freedom of his Country.

Gentlemen, the Accuſation, which the Houſe of Commons made part of its Report, and the Injuſtice of which I complain, is, that the Correſponding Society had no ſooner been eſtabliſhed than a Society at Norwich wrote to them to know the object of their inſtitution; and that ſo conſcious were they that their deſigns were different from their public profeſſions, that, inſtead of at once appealing to their printed inſtitution, to ſpeak for itſelf upon the occaſion, they wrote a dark, guarded, enigmatical letter, in order to conceal a purpoſe which could not with prudence or ſafety be revealed. I confeſs, I never in my life was ſo much ſurprized as at the impudence and falſehood of this aſſertion; for I maintain, that it is not poſſible for language to furniſh an anſwer more explicit, nor one that in more direct terms did appeal to their public declarations for their deſigns. I will read to you the very words of the correſpondence: the Norwich Society ſay—" Our principal deſign in writing is, that " we may have an opportunity of knowing more exactly what " may be thought the moſt eligible ſteps to be taken in carrying " on this great buſineſs of our aſſociated brethren, and to have " an opportunity to aſk ſuch ſort of queſtions as may be thought " very reaſonable among the brethren; eſpecially when we " think that publications are covered with a ſort of obſcurity " in it, as the Sheffield people's declaration, which ſeemed de- " termined to ſupport the Duke of Richmond's plan only; but " ſince we find, in a printed letter received from them in a " book, that they mean to abide by ſome moderate Reform, as

" may hereafter be brought forward by the Friends of the Peo-
" ple, which method is uncertain to us. Again, we find that
" the Friends of the People, and the Society for Conſtitutional
" Information do not exactly agree;—we could be glad to
" know the reaſon. It ſeems to me as though the difference
" was this—The Friends of the People mean only a partial
" Reform, becauſe they leave out the words expreſſing the
" Duke of Richmond's Plan, and talk only of a Reform; while
" the Mancheſter people ſeem to *intimate, by addreſſing Mr.*
" *Paine, as though they were intent upon Republican principles*
" *only.* Now, to come cloſer to the main queſtion, it is only
" deſired to know whether the generality of the Societies mean
" to reſt ſatisfied with the Duke of Richmond's plan only;
" OR WHETHER IT IS THEIR PRIVATE DESIGN
" TO RIP UP MONARCHY BY THE ROOTS, AND
" PLACE DEMOCRACY IN ITS STEAD." This is
the letter, the language of which has been ſo mightily relied
upon, and which is printed in italics and capitals in the re-
ports of both Houſes of Parliament. But what, in the firſt
place, have the Correſponding Society to do with the language
of this letter; and how, in common decency or common ſenſe,
can it affect them? Is it to be endured that Treaſon ſhall be
faſtened upon me, becauſe I am abſurdly or impertinently aſked
whether my intentions be traitorous; unleſs my previous conduct
or declarations have excited a reaſonable ſuſpicion, or unleſs the
evidence of bad intention can be collected from MY ANSWER.
If my anſwer, indeed, furniſhes concluſion againſt me, that is
quite another thing. Let us, therefore, examine that; for the
QUESTION is no evidence at all but as it is introductory of the
reply: yet, would you believe it, the anſwer is not even printed,
that I can find, in the Reports; it is wholly ſuppreſſed; and is
only introduced, by the candour of the Crown, in the conduct
of the proſecution. The anſwer, which bears date the 26th of
November, 1792, begins, as was natural, with recapitulating
the queſtions put to them, nearly in the language of the letter
itſelf; and then they ſay—" And as to the object we have in
" view, we refer you to our Addreſſes, you will therein ſee

" we

" we mean to diſſeminate political knowledge, and thereby en-
" gage the judicious part of the nation to demand a *reſtoration*
" of their rights in ANNUAL PARLIAMENTS; the members of
" thoſe Parliaments OWING *their election to the unbought, and*
" *even unbiaſſed, ſuffrage of every citizen in poſſeſſion of his*
" *reaſon, and not incapacitated by crimes.*"—This is the anſwer of the Correſponding Society. And having ſet myſelf to rights with my learned friends at the bar, but meaning to extend my courteſy no further, becauſe juſtice confines it to them, ſurely I have a right to aſk whether it be conſiſtent with the dignity or character of a great and auguſt tribunal, to accuſe perſons capitally arreſted, and before the ſeaſon of their trial, with having ſhrunk from queſtions put to them for an expoſition of their motives, although they were poſſeſſed of the anſwer I have juſt read to you, which refers the queſtions poſitively and unambiguouſly to their original addreſs; which repeats the ſame legal objects, if poſſible, with additional preciſion; and which tells them that from theſe objects *ſo a ſecond time delineated and expreſſed, they mean neither to deviate to the right or left, but to purſue them by all means conſiſtent with the Law and Conſtitution of the Kingdom.*

The next obſervation which is made upon the language of their proceedings, is ſtill of the ſame complexion, and turns round directly in their ſupport.

The charge, you obſerve, is for conſpiring to hold a Convention in England in the year 1794, to uſurp the Government, and to depoſe and deſtroy the King. All the papers and letters which have been read, with earlier dates, having been only produced to convince you that the Convention was projected for that deteſtable purpoſe. To eſtabliſh this from their own compoſitions, Mr. Solicitor General ſays, (he will give me leave to remind him of his expreſſion) " Look to the language
" in which they themſelves ſpeak of the proceeding in agita-
" tion—Let us agree to hold ANOTHER Britiſh Convention—
" What could this mean," ſays my learned friend, *laying a ſtrong emphaſis upon the word* ANOTHER—" What could it poſſi-
" bly mean, but a reſolution to hold *another* Convention *ſimilar*

" *to that which had been held in North Britain,* conſiſting of " Delegates from the different Societies, and which had been " before diſperſed by the authority of the law?" I TAKE HIM AT HIS WORD—IT COULD HAVE NO OTHER MEANING. They moſt unqueſtionably intended a Convention, ſimilar, in all reſpects, to the one at Edinburgh, which had been ſuddenly diſſolved; and conſequently, upon his own principles, to make out a caſe of Treaſon againſt the priſoners who projected this ENGLISH Convention, he muſt ſhew that the aſſembling the Convention at *Edinburgh* was an act of High Treaſon in all who were engaged in it. To eſtabliſh, upon his own principles, of their deſigns being ſimilar, that the Engliſh Convention was projected with the view of aſſuming and exerciſing all the functions of Parliament, he is inevitably bound to ſhew that the Convention at Edinburgh, of which it was a type, did actually aſſume and exerciſe them. Has he eſtabliſhed either of theſe proofs? Has he ſhewn, by evidence, that the hundred and eighty perſons who, as Delegates from the different Societies in Scotland, aſſembled at Edinburgh under the name of a Convention, *did in fact* aſſemble to ſuperſede the Parliament of the Kingdom, and were guilty of the crime of High Treaſon? Has he ſhewn (which, to maintain his argument, he is bound to do) that all thoſe, who ſent them for that purpoſe, were implicated in the ſame guilt? If he has, he has ſtruck at the lives of thouſands and ten thouſands of his Majeſty's moſt affectionate ſubjects in North Britain, who were members of thoſe Societies. Has he proved diſtinctly that this Edinburgh Convention *did actually aſſume to itſelf all, or any, of the functions of Government,* which he ſays would have been aſſumed here, by the meeting in agitation, had it not been nipped in the bud by the arreſt of the priſoners, the ſeizure of their papers, and the inſtitution of this ſolemn proceeding.

The Solicitor General having himſelf made this the queſtion, as, indeed, he could not avoid it, let us examine what has been proved upon the ſubject. And in entering upon this duty, it really fills me with horror to think that the lives of men—— What do I ſay—OF MEN!——That the lives of ENGLISHMEN ſhould

ſhould depend upon the ſucceſsful reſolution of ſuch a chaos of matter as is ſpread before me, in which every faculty of the mind is bewildered and confounded; that they ſhould not only have their own writings to explain, and their own tranſactions to anſwer for, but that there ſhould be heaped upon their heads every thing that has been ſaid, written, or tranſacted, for years together, in every corner of the Kingdom, by perſons with whom they not only never acted, but whoſe names or exiſtences they never heard of. If the criminal law of England countenances ſuch a proceeding, how is the ſubject to contend with any proſecution which the Crown chuſes to inſtitute?—Where is the man capable of aſſiſting him upon ſuch a trial?—What purſe is equal to the expence of witneſſes?—and where is the tribunal equal, in body and in mind, to its deciſion?

In the firſt place, however, and before I proceed to explore the proceedings of the Edinburgh Convention, in the beſt way I can, through the maze of materials before us, let me aſk, as a preliminary queſtion, *what the honourable gentleman, whom I repreſent, had to do with them? Suppoſing all its tranſactions had been Treaſon, how is he affected by them?* It has been aſſumed, that Mr. Tooke was an active promoter of the Scotch Convention, becauſe his name ſtands entered in the books of the Conſtitutional Society as preſent when the ſending of a Delegate to Edinburgh was under deliberation. Good God! Gentlemen, how groſs is this concluſion, and how pernicious is the principle which concludes it. This entry would not be evidence in an action for ten pounds; yet what would not do upon a charge for killing a hare or a partridge, is to be uſed as evidence to deſtroy the life of an Engliſh ſubject, and with it the law and Conſtitution of the Kingdom. The Society has been conſidered as a Corporation; its books have been laid upon the table as authoritative acts, binding upon all its members; and the pen of the Secretary of a club is to conclude upon a fact which is to affect life. The real truth is (*and it ought to be a ſolemn warning to Courts of Juſtice not to depart from the ſtrict rules of evidence*) Mr. Tooke was NOT PRESENT when the propoſition for ſending a Delegate to Edinburgh was made;

neither did the propoſition, when made, on that day receive the concurrence or approbation of the Society, but, on the contrary, was objected to by the majority; not becauſe they thought it criminal, but becauſe they believed it to be uſeleſs. The further diſcuſſion of the ſubject was, therefore, poſtponed from the 25th to the 28th of October, when a ſpecial extraordinary meeting was appointed, and Mr. John Williams, the mover of the propoſition, was ſent to Wimbledon to requeſt Mr. Tooke to attend and ſupport it; but it appears by Mr. Adams's evidence that he abſolutely refuſed to come, and treated the propoſal as frivolous and impertinent, inſomuch that he was conſidered as a man bribed and penſioned to betray the cauſe of Parliamentary Reform, by withholding his ſupport to a legal and well-meant propoſition in favour of the proceedings in Scotland. Yet this gentleman, greatly advanced in years, and declining in his health, who was ſhut up *at this time, and long before*, within the compaſs of his houſe and garden at Wimbledon, where he uſed to wiſh an Act of Parliament might confine him for life, who was painfully beſtowing a greater portion of his time to the advancement of learning than the rudeſt health could with ſafety bring to it—who was intenſely devoted to reſearches which will hereafter aſtoniſh, and will not be ſoon forgotten by the world—who was, *at that very moment*, engaged in a work ſuch as the labour of man never before undertook, nor perhaps his ingenuity ever accompliſhed—who had laid out near an hundred pounds only in packs of cards, to elude by artifice and contrivance the frailty of memory and the ſhortneſs of life, otherwiſe inſufficient for the magnitude of his purſuit—who never ſaw the Conſtitutional Society but in the courteſy of a few ſhort moments, after dining with ſome of its moſt reſpectable members; and who *poſitively objected* to the very meaſure which is the whole foundation of the proſecution, is, nevertheleſs, gravely conſidered to be the maſter-ſtring, which was continually pulling and directing all the inferior movements of a conſpiracy as extenſive as the iſland, the planner of a revolution in the Government, and the active head of an armed rebellion againſt its authority. Gentlemen, is this a propoſition

to be ſubmitted to the judgment of honeſt and enlightened men, upon a trial of life and death. Why, there is nothing in the Arabian Nights Entertainments, or in the Tales of the Fairies, which is not dull matter of fact compared with it. But the truth is, as it ſtands already upon Mr. Adams's evidence, that ſo little was the energy of the Society upon the ſubject, that, at the general, adjourned, and *extraordinary*, meeting, which was to decide upon this great queſtion, which Mr. Tooke thought ſo ſmall a one, but upon which the fate of Great Britain is conſidered here as having depended, only ſeven people gave their attendance; and, although Mr Yorke was choſen Delegate to give countenance to the cauſe, and to former reſolutions, yet there were obſtacles to the completion of his miſſion, becauſe the *ways and means* could not be provided for his ſupport.

It appears alſo, by Mr. Adams's evidence, that the Conſtitutional Society, which, for the purpoſes of this proceeding, has been repreſented as a ſanguinary and widely extended conſpiracy, conſiſted only of a few gentlemen, who wiſhed well to the cauſe of conſtitutional Reform, which they were too honeſt to abandon, but too inſignificant in wealth, or numbers, efficaciouſly to ſupport. In order, therefore, to prevent themſelves from being laughed out of a very honourable purpoſe, and to prevent the honeſt and independent part of the public from giving up the cauſe of Reform, from the deſpair of countenance and ſupport, they publiſhed in their reſolutions thouſands of papers which they never printed, and expended large ſums which they never had.—I might, therefore, wholly decline all conſideration of the Scotch Convention, as impertinent and irrelavant, and if I was my own maſter I would do ſo; but the honourable gentleman, who has a right to direct my conduct, with a generoſity which muſt endear him to every body, even in this very moment, when he ſees me preparing to meaſure my diſcourſe by the exigency of his own particular defence, inſiſts upon my meeting the Solicitor General upon the major propoſition of his argument; I could maintain, ſays my client, interrupting his own Counſel, in his own defence, I could maintain that I am not criminal (you have already, indeed, amply maintained it); but *that is not enough*

when the lives of others, and the privileges of my Country, are embarked in the controverſy; I call upon you, therefore, Mr. Erſkine, to maintain, *that there is no criminality*—I deſire that the acts of others, through whoſe ſides I am vainly ſought to be wounded, in order that the reverberating ſtroke may pierce them the deeper, may be vindicated and explained.—In obedience to the taſk-maſter, then, let us ſee what this Convention did.———

One of their firſt declarations, and which is prepoſterouſly relied on to prove their uſurpation of the powers of Government, is in theſe words—

"Reſolved, That this Convention, conſidering the calami-
"tous conſequences of any act of the Legiſlature"—ACT OF THE LEGISLATURE! Why, according to theſe Gentlemen, they were THEMSELVES THE LEGISLATURE, for the Legiſlature was gone, if their argument be founded, the moment the Convention ſat. "Reſolved, That this Convention, conſidering the
"calamitous conſequences of any act of the Legiſlature, which
"may tend to deprive the whole, or any part of the people, of
"their undoubted right to meet by themſelves, or their dele-
"gates, to diſcuſs any matter relative to their rights, whether
"of a public or private nature, and holding the ſame to be to-
"tally inconſiſtent with the firſt principles and ſafety of So-
"ciety, and alſo ſubverſive OF THE KNOWN AND ACKNOW-
"LEDGED CONSTITUTIONAL LIBERTIES OF ENGLISHMEN."
Gentlemen, I muſt pauſe here, though in the very middle of a ſentence, becauſe every limb and member of one furniſhes a deciſive refutation of the charge. Here are men accuſed of having aſſumed the ſupreme authority, and as the ſubverters of Engliſh law, who are yet peaceably claiming, under the banners of the law, the indiſputable privileges of ſubjects to diſcuſs the rights which that law beſtows. They then ſay, and here it ſeems lies the Treaſon—"We do therefore declare, before God
"and our Country, that we ſhall pay no regard to any act
"which ſhall militate againſt THE CONSTITUTION OF OUR
"COUNTRY." But, according to the other ſide of the table, the Conſtitution of the Country was at an end, and all its powers

aſſumed

aſſumed by this Convention, although, in the very proceeding which they thus moſt unaccountably ſelect for commentary, they bow obedience to all acts *conſiſtent with the Conſtitution*, and only refuſe it to ſuch as, in their minds, militated againſt the firſt principles of the Engliſh Government, which they were determined to ſupport, inſtead of being banded to overturn. But, in what manner, and to what extent, did they project a reſiſtance to acts militating againſt their rights? Did they meditate, by force, the deſtruction of Parliament which infringed them? Liſten to the concluſion of this declaration, upon which ſo much has been ſaid, and then tell me whether this body can, with common decency or juſtice, be charged as in a ſtate of rebellion. "*We will continue to aſſemble to conſider the beſt means by which* "*we can accompliſh a real Repreſentation of the People, and* "*Annual Parliaments, until compelled to deſiſt by ſuperior force.*" What is this but ſaying, that they will, for an honeſt end, abide the penalties of an unjuſt law, rather than eſcape from them by its obſervance.—Mr. Juſtice Blackſtone truly ſays, that there is nothing even immoral in ſuch diſobedience—for that, if there were—prohibitory and penal regulations would be ſnares to the conſcience of the ſubject. The fact is, there never had been a law in England, nor was there any then in exiſtence to prohibit the meaſures they were engaged in. An act which had juſt been paſſed in Ireland had, for the firſt time, declared ſuch proceedings to be a miſdemeanor, though without an act we are now treating them as High Treaſon, and the introduction of a ſimilar bill into the Engliſh Parliament being the common report, they reſolved not to ſanction its unconſtitutional rinciple, much leſs before the law exiſted, by a *voluntary* obedience, but to wait its regular enforcement by the Magiſtrates.—This is not only the obvious meaning of the reſolution itſelf, but it is eſtabliſhed beyond a doubt, by their ſubſequent conduct, as it appears by the letter of Margarot, the Delegate of the Correſponding Society, who, giving an account of their diſperſion by the Magiſtrates, as I ſhall preſently read it to you, expreſſes himſelf to this effect—If, ſays he, we had deſiſted without the exertion of ſuperior force, it would have been ſurrendering our rights, and the privileges

of

of others; but, when called upon by ſuperior force, *i. e.* By the authority of the Magiſtrate, the ſubmiſſion could not be conſidered as an acknowledgement of tranſgreſſion on our parts. The diſſolution of this Parliament (as it is gravely ſtiled) is deſcribed, by Margarot's letter, to have been effected thus:— "Two meſſengers came again into our room with Gerald; they "left a ſummons to appear at ten o'clock: with Margarot they left "nothing but a requeſt to accompany Gerald to the office, yet, "when arrived there, he found that a warrant was iſſued againſt "him, for the purpoſe of detaining him a priſoner. On Thurſday "the whole Convention were equally ill uſed: the Provoſt went, "and after pulling Matthew Campbell Brown, of Sheffield, out of "the Chair, ordered the Convention to diſperſe, and told them, he "would allow no ſuch meetings in future. The next day, the "Convention having agreed to meet at another place out of the "juriſdiction of the Provoſt, we had not long been aſſembled, "before the Sheriff appeared amongſt us, and having aſked "whether the meeting was the Britiſh Convention, and being "anſwered in the affirmative, ordered us to depart. He aſked "who was Preſident—upon which Margarot, having openly "aſked and obtained leave from the Convention, placed him-"ſelf in the chair, and told the Sheriff he would not break up "the meeting, *unleſs unconſtitutionally forced thereto, by the She-"riff's pulling him out of the chair*, which the latter, after ſome "heſitation, complied with. The Ex-Preſident, Gerald, was "then put into the chair, in order to be pulled out by the She-"riff alſo, which being done, the meeting was then cloſed with "prayer, and the company departed peaceably." Now, does the whole hiſtory of human folly furniſh any thing ſo extrava-gantly abſurd and ridiculous, as to conſider this as the ſuppreſſion of an extenſive and armed rebellion, and as a ſort of counter-revolution in Great Britain?

Upon the trial of a ſolemn and important cauſe, upon which not only the lives of innocent men are depending, but the exiſtence of the laws themſelves under which we live, I am afraid to run into obſervations which are ludicrous; but ſuch is the preposterous nature of this whole buſineſs, that it is impoſſible to

avoid it. In reading the minutes of this Convention, as the regular proceedings of a Parliament, holding at once the ſword and purſe of the kingdom, we have frequently encountered with matter which, whether we would or no, has convulſed us with laughter in the midſt of the awful duty we are engaged in. In the minutes of the fifth day, the 21ſt of November, 1793, we find the Deputy Secretary informing the Convention that he had laſt night received fifteen ſhillings from ſix viſitors, which was ordered to be paid to Mr. Skirving, with three ſhillings more already collected; and, on the day following, we have Mr. Margarot moving (I ſuppoſe in the Committee of Ways and Means) that a general collection ſhould be made, which being conſented to, and Mr. Callendar and Mr. Scott being appointed collectors, theſe gentlemen made their report inſtanter:

	£.	s.	d.
That there had been drawn - - - - -	4	5	8
But of which there being two bad ſhillings, the balance was - - - - - - -	4	3	8

To which a perſon, of the name of Moore, added a ſhilling. Yet this aſſembly of poor unarmed people, collecting ſixpences to pay for their room and their advertiſements, who were diſperſed by a common Juſtice of the Peace, with leſs buſtle than a watchman puts an end to a brawling in the corner of a ſtreet every night throughout the year, are now conſidered as having intended to aſſume to themſelves, and indeed, for a ſeaſon, to have exerciſed all the functions of this great Country, protected as it is by a vaſt ſtanding army, by a national militia, conſiſting of all the gentlemen of England, whoſe landed intereſts depend upon the ſtability of the Government, and by the great body of opulent merchants and monied men, whoſe fortunes are veſted, of courſe, in the public funds, and thereby their poſſeſſions and the hopes of their families entwined with the very bowels of the State.

There is another point of view from whence, if we examine this proceeding, it muſt appear, if poſſible, ſtill more extraordinary.

dinary. I admit that, in conſequence of the diſperſion which they conſidered to be illegal, a great many inflammatory papers were written; and that it was thought adviſeable, upon the whole, to ſubject the principal perſons, engaged in this Convention, to a legal proſecution. But how were they proſecuted? and by that very Government which has inſtituted the preſent proceedings? Were they proſecuted for High Treaſon? No. Was the charge of Treaſon ever thought of, or connected with their names? I ANSWER, NEVER. Although they were not met together, like Mr. Hardy and the other unfortunate priſoners, to conſider how they *ſhould in future* hold a Convention, but were taken, flagrante delicto, *in the very act of holding one*, and of holding preciſely ſuch a one as the priſoners are charged with having only projected; THEY WERE ONLY ACCUSED OF A MISDEMEANOR. I repeat the expreſſion, they were only proſecuted for a miſdemeanor, *although taken in the act of holding preciſely ſuch a Convention as the priſoners only projected.* For I again refer to the Solicitor General, whether he did not *twice* aſſert, and his learned co-adjutor *more than twice*, that the conſpiracy charged upon the record was to hold a Convention ſimilar to that which had been held and put down in Scotland. I aſſert alſo that Government had the ſame materials in its hands for conviction which it has at this hour—they had ſpies in every corner. "There was not a man but in his "houſe they had a ſervant fee'd." And the minutes of the Convention, which have been read at your table as evidence of High Treaſon, were ſeized by the Provoſt and Sheriff of Edinburgh, in 1793, and read as evidence againſt Margarot and Gerald, when proſecuted only for libels in the Juſticiary Court.

What ſhall we ſay, then, of a Government which lays a ſnare for innocent blood, by giving to an act the character of a miſdemeanor, waiting for future victims when it ſhould be exalted to the denomination of Rebellion and Treaſon. Gentlemen, I make no ſuch charge upon Government—I acquit them of all ſchemes upon the ſubject, good or evil—I believe that the fit of alarm came very ſuddenly, and very lately upon them;

and

and that they do not know, even now, upon what principle they are here, or what they have to hope from their proceedings.

The magiſtrates of Edinburgh having brought the leaders of the Convention before the Court of Juſticiary, they were convicted of miſdemeanors; but theſe judgments inſtead of producing the effect that was expected from them, produced (as ever happens from perverted authority) great irritation and diſcontent. They were, in my mind, and in what is far more important, in ſome of the greateſt minds in this Country, ILLEGAL PROCEEDINGS. And although I do not mean, in this place, to make any attack upon magiſtrates in the execution of their duty——

Lord Chief Juſtice Eyre. It ſhould not be ſtated here that they were illegal.

Mr. Erſkine. I did not ſay they were illegal—I ſaid, *that in my opinion they were ſo, and that they were queſtioned in Parliament as ſuch.* It is not my purpoſe to give offence to his Lordſhip, who has given us an indulgent and attentive hearing through the whole courſe of this cauſe; but it is material to ſtate, becauſe it accounts for ſome of the writings in evidence, that the opinion and conduct of the Scotch Judges *were queſtionable*; that they were actually queſtioned in Parliament; (AS THEY MAY YET HEREAFTER BE QUESTIONED) and were pronounced by the greateſt men, in both Houſes of Parliament, to have been harſh, unconſtitutional, and illegal. Smarting, therefore, under the laſh of theſe ſentences, which they conſidered to be unjuſt, and believing that their colleagues had done nothing more than the law authorized, and their conſciences ſuggeſted, they came to an intemperate reſolution concerning the Scotch Judges, which, though ſo ſtrongly relied on, can certainly have no ſort of application to the cauſe, ſince if they had knocked on the head the Lord Juſtice Clerk, and all his brethren, whilſt preſiding in their Court, inſtead of contenting themſelves with libelling them, it would not have been High Treaſon within the ſtatute of Edward the Third. This mighty bugbear of a reſolution is in theſe words. I am not afraid to meet it.

"Re-

" Reſolved, That law ceaſes to be an object of obedience " whenever it becomes an inſtrument of oppreſſion."

This is a mere abſtract propoſition, to which I would ſubſcribe my own name, at any time.

" Reſolved, That we call to mind, with the deepeſt ſatisfac- " tion, the fate of the infamous Jefferies, once Lord Chief " Juſtice of England, who, at the æra of the glorious Revolu- " tion, for the many iniquitous ſentences he had paſſed, was " torn to pieces by a brave and injured people."

" Reſolved, That thoſe who imitate his example, deſerve his " fate."

Gentlemen, if the application of this maxim was meant to be made to the recent proceedings of the Scotch Judges, it may be a libel upon *their* perſons and authorities for any thing I know or care. I ſee nothing that is either criminal or indecent. In my mind, on the contrary, the promulgation of ſuch awful and uſeful reflections, ſhould not be left to the irregular, and often miſapplied, promulgation of private men; but ſhould be promulgated as ſolemn feſtivals, by the authority of the State itſelf. There ought, in my opinion, to be public anniverſaries of the deteſtable, as well as of the illuſtrious actions of mankind, in order that, by the influence of negative, as well as of poſitive example, the greateſt poſſible hold may be taken of the grand ruling paſſion of our nature, and the ſureſt indication of its immortality—the paſſion of living in the minds of others, beyond the period of our frail and tranſitory exiſtence. By ſuch an inſtitution, public men would every moment be impelled forward in the path of their duty, by the perſpective immortal rewards of an approving poſterity. And, what is ſtill more important, and far more applicable to my preſent purpoſe, wicked men, cloathed with human authority over their fellow creatures, would be deterred by the ſame means from the abuſe of them; becauſe, in the very moment when they were about to barter away the life of innocence, or the public juſtice of their Country, for ſome miſerable advance of ambition in the decline of a tranſitory life, they might, perhaps, ſtart back from the temptation, appalled by the awful view of future ages riſing up before the ima-

imagination, ſitting in judgment upon their characters, and proclaiming them with indignation to the univerſe.

But how, after all, do theſe reſolutions (whatever praiſe or blame may belong to them) apply to the matter in hand? For Mr. Tooke poſitively refuſed to ſanction them. Though Chairman of the meeting, he would not remain in the chair when they were paſſed; and I will call, if you think it material, the very perſon who took his place whilſt they were paſſing. Yet, nevertheleſs, they are brought forward againſt him, and inſiſted upon with the ſame arguments as if he had been their author. Gentlemen, this is intolerable. The whole hiſtory of human injuſtice can produce nothing like it. The principle ſeems to be that all the libels written by any man in the world who, at any time, has ſupported a Reform in Parliament, whatever may be the ſubject of them, and however claſhing with one another in deſign or opinion, may be drawn into the vortex, and pointed to convict of High Treaſon Mr. John Horne Tooke. By reading theſe contradictory performances as the evidence of his deſigns, they make him one day a Reformer of the Houſe of Commons, the next a rank Republican, the third well affected to our mixed Conſtitution, and the fourth relapſing into a Republican again. In this manner, by reading juſt what they pleaſe, and inſiſting upon their own conſtruction of what they read, the honourable gentleman is made to oſcilate like a pendulum, from ſide to ſide, in the vibrations of opinion, without purſuing any fixed or rational courſe; although I will ſhew you that, of all men in the world, he has been the moſt uniform, firm, and inflexible in his political courſe.

The next paper which they read is hardly, I think, at all connected with the important ſubject of the trial, being a mere ſquib upon the preſent juſt and neceſſary war. It is a reſolution of the Conſtitutional Society of the 24th of January, to which Mr. Tooke was privy, in which it was reſolved—"That an excellent addreſs of the Correſponding Society ſhould be inſerted "in their books. And that the King's ſpeech to his Parliament "be inſerted under it, in order that they may both be always "ready for the perpetual reference of the members of this So-

"ciety

" ciety during the continuance of the preſent unfortunate war—
" and that in *perpetuam rei memoriam*, they may be printed in
" one ſheet at the happy concluſion of it, which happy con-
" cluſion, according to the preſent proſperous appearances, we
" hope and believe not to be many months diſtant."

Gentlemen, ſurely it is not Treaſon to believe that which Miniſters are daily holding forth—ſurely it is not Treaſon to expect and believe upon the authority of Parliament, that the war we are engaged in will ſoon be brought to a proſperous iſſue. Would the people of this Country have been ſo compoſed, in a conjuncture which for calamity has no parallel in the hiſtory of Great-Britain, but for theſe conſtant declarations of the King's Miniſters, which Mr. Tooke is only accuſed of having believed? Were we not told *(I am not entering upon political controverſy, but defending my client)*—But were we not told daily that the war would be brought to a ſpeedy and happy termination? And can it be criminal in a ſubject to give faith to the acts and declarations of Government? But ſuppoſing it, on the other hand, to be only irony upon Adminiſtration, and a ridicule of their proceedings, which may be thought the beſt conſtruction. Is a man's life to depend in this Country upon his admiration or ſupport of any particular ſet of Miniſters? I care not a ſtraw what you, the Jury, who are to decide upon my client's conduct may think upon theſe topics, or upon the Miniſters of the day.—I rely upon your judgments as honeſt men, impreſſed with a ſenſe of religion, who know the ſanctity of the oath you have taken, and the duty which it impoſes, and I only introduce theſe ſubjects, not becauſe I think them relavant, but becauſe they have been thought ſo by the Crown who read theſe papers to condemn us.

But it is the concluſion of this reſolution, I believe, which gives the offence, where, upon motion, the words " faithful and " honourable," which ſtood applied to the Parliament, were expunged, and the words " his, and his only," inſerted in their ſtead.—What then—this is no denial of the fidelity of the King to his Parliament, but is an inſinuation, on the contrary, that the Parliament was unfaithful to the King. If it can be con-

ſidered, therefore, in the ſerious light of a libel upon *any* authority, it is a defamation of *the Houſe of Commons*. But we are not brought here to anſwer for a libel upon that Aſſembly, we are accuſed of a conſpiracy to cut off the King—and in order to prove it, they give in evidence an idle ſquib againſt the Houſe of Commons, for not faithfully ſerving him; ſo that if the paper were deſerving of any conſideration one way or the other, it makes quite againſt the purpoſe for which it is uſed—unleſs it is meant to be contended, that the King and the Houſe of Commons are one and the ſame thing.

Another matter equally irrelavant has been alſo introduced, very fortunately, however, for the honourable gentleman at your bar, becauſe it affords a ſignal inſtance of his generoſity and nobleneſs of mind. I ſpeak of his letter promoting a ſubſcription for Mr. Sinclair, who had been convicted in Scotland for acting as a Delegate at the Convention.

Although Mr. Tooke not only never ſent him as Delegate, but ſtrenuouſly objected to his delegation; though he ſo uniformly oppoſed the whole meaſure which led to his conviction and puniſhment, as to lead to the queſtion of his own ſincerity in the minds of ſome who ſupported it; although the conſequence of the ſentence could not have pulled a hair out of his head, but led, on the contrary, to confirm the prudence and propriety of his conduct; yet, in the hour of Mr. Sinclair's diſtreſs, he was the firſt man to ſtep forward to ſupport him, and to take upon himſelf the public odium of protecting him, though he had privately diſcountenanced every act which could give the ſufferer any claim to his countenance or ſupport. I am perfectly ſure that my worthy friend the Attorney General is too honourable a man to make a ſingle obſervation on this genuine act of diſintereſted benevolence.—But I am not the leſs obliged to Mr. Gibbs for not ſuffering me to omit in its place, a matter which redounds ſo highly to the honour of the gentleman we are defending.

It is the ſame ſpirit that dictated the other part of the letter which regards Mr. Pitt. Filled with indignation that an innocent man ſhould be devoted to a priſon for treading in the very

ſteps which had conducted that Miniſter to his preſent ſituation, he ſays, (I have miſlaid the letter, but can nearly remember the expreſſion) That if ever that man ſhould be brought to his "trial for *his* deſertion of the cauſe of Parliamentary Reform, "for which Mr. Sinclair was to ſuffer, he hoped the Country "would not conſent to ſend *him* to Botany Bay."

Gentlemen, I have but one remark to make upon this part of the letter, Mr. Tooke is not indicted for compaſſing and imagining the death of Mr. Pitt.

Gentlemen, we come at laſt to the very point of the charge, viz. the conſpiracy to hold the Convention in England, and the means employed for that purpoſe. And it is a moſt ſtriking circumſtance, a circumſtance in my mind abſolutely concluſive of the preſent trial, (unleſs you mean to reverſe the former verdict, which none of you will, and which all of you certainly cannot,) that Mr. Hardy, who has already been acquitted, was the very *firſt* and *ſingle* mover of the propoſition to hold this Convention,—and that all the ſubſequent ſteps taken in the accompliſhment of it, down to the day when the priſoners were ſent to the Tower, were taken not only with his privity, but through his direct agency, and that every letter and paper which has been read upon the ſubject, bears the ſignature of his name, many of them being alſo of his own compoſition. If the Convention, therefore, was originated for the deteſtable purpoſe charged by this indictment, Mr. Hardy, who has been acquitted, was the originaly and the principal traitor; whatever was known, HE certainly knew; whatever was done upon it, HE not only did, but actually led the way to the doing of by *others*.—If there was a conſpiracy, HE was manifeſtly the principal conſpirator.

This is no aſſertion or argument of mine—it was avowed by the Crown which now proſecutes Mr. Tooke—and Mr. Hardy was therefore *firſt*, and moſt properly, ſelected for trial; becauſe the object of the one we are now engaged in, and of every other that can ſucceed to it, are only to apply by remote implication and collateral circumſtances, the very acts which were directly brought home to Mr. Hardy, who ſtands acquitted by his

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Country, nay which were without controversy admitted by his Counsel. The Court said, in summing up the evidence in the former trial, that it had been but feebly argued that Mr. Hardy was not implicated in a great part of the evidence.

Gentlemen, this was but a cautious and indulgent mode of statement by the Court, lest admissions might be supposed to have been made by us which Counsel ought not to make, for certainly we neither did, nor could attempt to deny that Mr. Hardy was cognisant of, and active in every transaction which regarded the British Convention, the very Treason charged upon the record. The Attorney General, therefore, is reduced to this dilemma, either to contest the justice of the former verdict which acquitted Hardy, or to surrender the present prosecution. That this is the true position of the cause, will appear incontestibly from the proofs.

The origin of the Convention appears to have been this:—Mr. Hardy, who has already been acquitted by his Country, having received a letter, which has been read to you, from a country correspondent, stating that as the Edinburgh Convention had been improperly and illegally dispersed, it would be proper to hold another. He laid the proposal before the Corresponding Society, who adopted it upon the 27th of March, 1794, and transmitted a copy of their resolution upon the subject to the Constitutional Society for their approbation. Mr. Hardy, therefore, was not merely active as Secretary in the progress of the Convention, but was, *in his own person*, the first mover and proposer of it; and it is impossible that the Jury could have honourably acquitted him upon any other principle than their total and absolute disbelief that the measure was pursued for the detestable purposes imputed by this indictment.

Gentlemen, the best way to support that judgment, and to bring you to the same conclusion, is to examine the proceedings, and to let them speak for themselves.

The Corresponding Society, upon Mr. Hardy's proposition, having on the 27th of March, 1794, adopted a resolution which they transmitted to the Constitutional Society for approbation, that Society met the next day, the 28th of March, to consider

it; the reſolution was ſent in the form of a letter from Mr. Hardy himſelf, in theſe words:

"I am directed by the London Correſponding Society to "tranſmit the following reſolutions to the Society for Conſti- "tutional Information, and to requeſt the ſentiments of that "Society reſpecting the important meaſures which the preſent "juncture of affairs ſeems to require. The London Corre- "ſponding Society conceives that the moment is arrived when a "full and explicit declaration is neceſſary from all the friends "of freedom, whether the late ILLEGAL and unheard of pro- "ſecutions and ſentences, ſhall determine us to abandon OUR "CAUSE."

To pauſe here a little—Does not this inconteſtibly ſhew that their CAUSE (with whatever irregularity it might have been purſued,) was no other than the cauſe of Parliamentary Reform; is it not demonſtration that they conſidered the perſons convicted in Scotland as wrongfully convicted? It is not in human nature, it is beyond the flight of human impudence or folly, that men under a government of law, ſhould publicly declaim againſt proſecutions as illegal, tyrannical, and unheard of, if they had either themſelves conſidered them, or if they had been held by others to have been the regular proceedings againſt traitors arreſted in rebellion againſt their Country. Conſtruing, therefore, this part of the letter, as common charity and common ſenſe muſt concur in the conſtruction, and as the former Jury conſtrued it; it is no more than this—they ſay to the Conſtitutional Society, As we are in the progreſs of an honeſt cauſe; as we are purſuing a legal purpoſe by legal means, which others have adopted before us; ſhall we abandon it, terrified by the unrighteous judgments of another country, or ſhall we unite and perſevere in its ſupport, confiding that whatever may be the condition of Scotland, there is no law here in England which can condemn us, nor any Judges who can be intereſted in its perverſion; let us concur, therefore, in the neceſſity of another Convention, as the only legal and conſtitutional means of redreſſing the grievances which oppreſs us, and which can

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only be effectually redreſſed by a full and free repreſentation of the people of Great Britain.

The crime, therefore, imputed to the Conſtitutional Society is only this, that addreſſed in this manner by the Correſponding Society *ſo deſcribing its objects*, it aſſented to the appointment of a Committee of their Society, to meet a Committee appointed by the other, to conſider of the proper ſteps to be taken for the accompliſhment of the object ſo deſcribed.

This is the whole that can be charged upon this Society; for there is no evidence whatever, even of any of its members being acquainted with the deſign of conſidering of a Convention, until it came to them in the ſhape of a letter from Mr. Hardy, who has been acquitted; all the antecedent part being abſolutely, and entirely his own. This propoſition, indeed, was ſo far from coming to the Conſtitutional Society as the members of a ſecret conſpiracy, that it was made in the moſt public manner to other Societies, with whom they notoriouſly were not connected; it was made to the Society of the Friends of the People, of which I have the honour to be a member, whoſe principles and conduct have been ſpoken of with reſpect throughout theſe proceedings: when we received their propoſal we were as well acquainted with all the antecedent proceedings of the Societies, as the evidence makes us acquainted with them now; and we ſtill flatter ourſelves that we were as capable of underſtanding the meaning of what was addreſſed to ourſelves, as thoſe who ſince then have aſſumed to themſelves the office of decypherers; yet, with all this knowledge, we returned an affectionate anſwer to theſe bloody conſpirators; we wrote to them, that we heartily concurred with them in the objects they had in view, but differed from them in the expediency and prudence of the means by which they had propoſed to give them effect; we, therefore, underſtood their object in the ſame light with the Conſtitutional Society, viz. The Reform in the Houſe of Commons only, and the difference between us is reduced to a difference in judgment, as to the *means* for producing an end which in common was approved.

Gentlemen, the Conſtitutional Society having agreed, as I have juſt now ſtated to you, to appoint ſome of their members to confer with others appointed by the Correſponding Society, upon the ſubject of the reſolution of the 27th of March, underſtood by them, as I have explained it to you; we are brought, by the evidence, to the conſideration of that overt act upon the ſecond which charges theſe Committees, ſo appointed, with the crime of High Treaſon, in theſe words—"That with force "and arms they did traiterouſly conſent and agree, that Jere-"miah Joyce, John Auguſtus Bonney, John Horne Tooke, "Thomas Wardle, Matthew Moore, John Thelwall, John "Baxter, Richard Hodgſon, John Lovet, William Sharpe, "and one John Pearſon, ſhould confer and meet, and co-ope-"rate together, for, and towards the calling and aſſembling ſuch "Convention, for the traitorous purpoſes aforeſaid:" *i. e.* as it is agreed on all hands for ſubverting the Government, and depoſing and deſtroying the King. Here another dilemma inevitably encloſes the Crown; becauſe this charge of conferring together towards the calling a Convention, which was to be held for theſe traitorous purpoſes, cannot poſſibly be urged againſt theſe eleven perſons appointed to confer together concerning it, unleſs the major propoſition can firſt be eſtabliſhed that ſuch a traiterous Convention was originally in the contemplation of thoſe who appointed them. For theſe eleven perſons are not charged as having originated the Convention, but each priſoner in his turn, is charged with having conſented and agreed, that theſe perſons ſhould confer together upon the means to give effect to a Treaſon already hatched and contemplated, which inevitably throws them back upon Mr. Hardy, who has been acquitted; for how, in the name of common ſenſe, can their guilt be conſiſtent with his innocence. I ſay, this is a dilemma, becauſe there is no road out of this abſurdity, but by running into another; ſince to confine the guilt to the priſoners who co-operated together, in excluſion of thoſe who appointed them to do ſo; it muſt be aſſumed that they were, *bona fide*, appointed to confer towards calling a meeting, which had for its real and honeſt

though object, a Reform in Parliament: but that they were no sooner appointed than, without the consent of those who had deputed them, they confederated to change the purpose of the deputation, and conspired amongst their eleven selves to form a Parliament, for ruling, by force of arms, over this mighty kingdom.

Now, I appeal to you, Gentlemen, whether there ever was a proposition so utterly out of the whole course of human affairs, as that six men of one very numerous Society, and five out of another equally numerous, unanimously appointed to confer upon any given object, no matter what, should be taken without a shadow of evidence, to have in an instant departed from the trust reposed in them, and to have set on foot a secret plan which they durst not communicate, even to their principals and co-conspirators, and which, with or without communication, was wholly visionary and impracticable.

Gentlemen, I know that my learned friends are incapable of publicly maintaining so preposterous a proposition; I admit that they never did maintain it, and I only state it to give them the choice of the alternative: because either these eleven persons are only guilty from having changed the purpose of a deputation originally not traitorous, a thing admitted to be absurd and irrational, or else *all* who deputed them were traitors also; the conclusion is inevitable; for it is impossible to say, that the Societies, who deputed them, did not know their own motives, and their own objects; and the supposition is further absolutely excluded by the evidence; because the Committees, so appointed, were to do nothing of themselves, but were to report to the Society at large, the result of their deliberations; and reports from them were accordingly actually read at the Society, in the presence of many respectable members now at large, and whose names have not been even mentioned as suspected in the course of these proceedings.

It is, therefore, impossible to impute guilt to the prisoners selected for punishment, without extending it to a compass to which no man will be hardy enough to say, it shall or can be

extended: how many perſons upon ſuch a ſcale would be principals in Treaſon, or guilty of a miſpriſion of it? Every man who attended the various Societies throughout the kingdom, or who knew, by belonging to them, that a Convention was on foot:—to ſay nothing of the extravagance of ſuch a wide imputation of diſloyalty and rebellion, what can be more dangerous impolicy than to invite foreign nations to believe, whilſt attempts are making from abroad to deſtroy our Conſtitution, that the people of England are already ripe for a revolt.

But there are inconſiſtencies, if poſſible, ſtill more glaring to be encountered with, in maintaining the charge againſt the priſoners ſelected for trial, than even in this wide extenſion of it to others; for if any of the few perſons *(being only twelve in number)* be guilty of this Treaſon, they muſt ALL be guilty; it is quite in vain to think of diſtinguiſhing or ſeparating them; yet *ſome* of them are not even accuſed, and *others* are judicially ſeparated from accuſation; Mr. Sharpe, the engraver, though one of the Committee, was examined for the Crown, but not examined as an accomplice: and the bill was thrown out by the Grand Jury, againſt Mr. Lovett, another of them, whom I am, therefore, entitled to conſider as an innocent man who ought not even to have been accuſed, and who will tell you upon his oath (for I ſhall call him as a witneſs) that there was not a ſyllable paſſed at theſe meetings, which the King upon his throne might not have heard; that neither his name, nor office were mentioned with irreverence; and Lovett, ſpeaking for himſelf, and for his own motives, will further ſolemnly tell you, that in his honeſt conſcience he believed, that from the conſequences of a timely Reform in the Houſe of Commons, to which all their deliberations were ſingly directed, the King's title would be more firm, his perſon more ſecure, his Crown more illuſtrious, and its inheritance in his line more certain, than by ſeeking their ſupport from the continuation of abuſes which had ſo recently overturned a throne, which, propt as it was by armies, and the bigotry of the people, ſeemed deſtined to endure for many generations, but which, nevertheleſs, under-

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mined by its own corruptions, ſuddenly crumbled into duſt, and ſhook, or more properly ſhakes at this moment, the whole habitable world with its fall.

That Mr. Richter, another of the Committee, and now in Newgate, meant nothing more than the Reform in the Houſe of Commons, I will prove to you, by Mr. Rous, one of the moſt reſpectable men in our profeſſion, and whoſe honour and veracity are above all queſtion. He will tell you, that he ſaw him after the Friends of the People had refuſed to concur in ſending Delegates to the propoſed Convention, when Richter aſſured him, that in the plan they had adopted they had acted for the beſt, but that they were deſirous to act cordially with the Friends of the People, in whatever they thought the moſt conducive to promote the Conſtitutional object they were engaged in; I believe, indeed, that the maſs of theſe Societies thought with many, many others, of which claſs I profeſs myſelf to be one, though I differ with them in the means, that nothing can ſo certainly tend to ſupport the throne as a Reform in the Commons Houſe of Parliament.—Whether you think with them or me, on this ſubject, is of no conſequence—it is enough if you believe that *they thought ſo, and honeſtly acted upon their opinions*; opinions which at all events were entertained and acted upon by many illuſtrious perſons now preſent, ſome of whom I will call as the willing, and others as the unwilling witneſſes to the fact.

But as the quality of their acts is beſt to be aſcertained by the acts themſelves, let us examine what the Committees did, and what was done by the Societies who ſupported them.

On the 11th of April, they made their report in theſe words:

"Reſolved, That it appears to this Committee very deſirable that "a general meeting or Convention of the Friends of Liberty "ſhould be called."—For what? To depoſe the King? To ſubvert the Government? NO. But in the concluding words of the reſolution, "For the purpoſe of taking into conſideration *the proper "means of obtaining a full and fair repreſentation of the People in "Parliament.*" This reſolution, *after ſome objection to the word Convention*, was adopted. Now, I deſire diſtinctly to know why this

When the 14th of April came, which ſhould have been their firſt meeting, there was no meeting at all, but a great multitude of people, of different deſcriptions, aſſembled at Chalk Farm. My learned friends, I ſee, are taking notes on this ſubject; but let them recollect, that Lovett, whoſe caſe has been before the accuſing Jury, and who ſtands wholly diſcharged from guilt or ſuſpicion, was Chairman of this meeting, and, at the ſame time, a member of the Committees of Conference and Co-operation; yet now when the leader himſelf is exculpated, and not expoſed even to the hazard and inconvenience of a trial, he is to be hung to-day round the neck of the gentleman at your bar, who never was at Chalk Farm in his life; who never heard of the meeting, nor of the exiſtence of the place it was held at, till he read it in the newſpapers, as we all did, and who never ſaw Mr. Lovett till he met him in the Tower, when he was pointed out to him as one of the perſons with whom he had long been engaged in a conſpiracy. Thank God theſe experiments are not only harmleſs but uſeful—they ſerve as a clue when the contrivance is more plauſible.

The next Thurſday, after the meeting at Chalk Farm, was the 17th of April. Now attend to the proceedings of theſe conſpirators, preſſed to a moment in point of time, and whoſe ſchemes were ripe for execution: not one of them came. The 24th of April was the third Thurſday, when the Committee from the Correſponding Society attended, but, not being met by the other, there was, of courſe, no conference. On the 28th of April, full three weeks after their original appointment, they at laſt aſſembled; and, after having conferred concerning the news of the day, and co-operated in taking ſnuff out of one another's boxes, they retired to their homes without uttering a ſyllable concerning the King or his Parliament. Theſe important tranſactions were repeated on the 5th of May; and on Monday, May the 12th, although no *other* meeting had then been held, and though theſe proceedings, as I have ſtated them to you, had been fully inveſtigated before the Privy Council; though the Societies were conſtituted for purpoſes perfectly notorious, and long unoppoſed; though all their meetings had been publicly

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advertiſed, and their correſpondence as open as the day, Mr. Hardy was ſuddenly arreſted; dragged out of his bed in the night; torn from the arms of an affectionate wife, who fell a ſacrifice to terror and affright, although he can *now* tell you, upon an oath accredited by his full and honourable acquittal, that he had not a conception in his mind, even after he was in the cuſtody of the law, that High Treaſon, or any other crime that verged towards diſloyalty or rebellion, was to be imputed to him.

Gentlemen, the alarm which ſeized upon Government at this period ſeems to have inveſted the moſt frivolous circumſtances with myſtery and deſign againſt the State, of which we have had a notable inſtance, in a letter written by Mr. Joyce to Mr. Tooke, on the day Hardy was arreſted, which, being intercepted, was packed up into the green box there, and reſerved as evidence of a plot. The letter runs thus—"Hardy and Adams were taken "up this morning by a King's Meſſenger, and all their books "and papers ſeized;" and then following a long daſh, "CAN "YOU BE READY BY THURSDAY." This letter, Gentlemen, is another leſſon of caution againſt vague ſuſpicions; the Red Book was not a liſt of perſons to be ſaved, in oppoſition to the Black Book, of thoſe to be ſacrificed. But Mr. Tooke having undertaken to collect, from the Court-Kalendar, a liſt of the titles, offices, and penſions beſtowed BY MR. PITT UPON MR. PITT, HIS RELATIONS, FRIENDS, AND DEPENDENTS; and being too correct to come out with a work, of that magnitude and extent, upon a ſhort notice, had fixed no time for it, which induced Mr. Joyce, who was impatient for its publication, to aſk if he could be ready with it by Thurſday.

Another curious circumſtance, of ſimilar importance, occurred about the ſame time, which I marvel has not appeared in evidence before you. I will tell you the ſtory, which is ſo ſtamped with the wit which diſtinguiſhes my client, that it will ſpeak for itſelf without proof: A ſpy came, one night, into the Society to ſee what he could collect, when there happened to be preſent a Mr. Gay, a man of large fortune, and a great traveller (the gen-

gentleman I ſpeak of is a member of the Friends of the People, introduced by my friend Mr. Tierney, now in my eye). This Mr. Gay, in the courſe of his travels, had found a ſtone inſcribed by Mr. Stuart, another great traveller, at the end of the world; but reſolving to puſh on further, and to ſhew his contempt of the bounded views of former diſcoveries, wrote upon it, "This is the beginning of the world," treating it as the ground from which he meant to ſtart upon his tour. The plan being introduced for conſideration whilſt Mr. Gay was preſent, Mr. Tooke ſaid, "Look ye, gentlemen, there is a perſon in the "room diſpoſed to go to GREATER LENGTHS than any of us "would chooſe to follow him." This alluſion to the intrepid traveller was picked up by the ſpy, as evidence of a plot; and if I had the rummaging of the green boxes, I would undertake to find the information amongſt the papers.

Gentlemen, in tracing, as I have done, the proceedings of the Societies towards holding this Convention, I have continued to follow the inſtructions of my client, in totally loſing ſight of his defence, in order to keep danger at a diſtance from others; for, I have now only to remind you, ſince that fact has appeared already, that the priſoner took no ſhare whatſoever in any of theſe proceedings. He conſidered them, indeed, to be legal, but, in his enlightened judgment, not convenient, not likely to be attended with advantage to the object; and, therefore, when the reſolution of appointing a Committee was adopted, and his name was propoſed as a member, he objected to it; declared he would not attend, nor have any thing whatever to do with it. You may aſk, perhaps, why, after that refuſal, he ſuffered his name to ſtand upon the Committee? and why he did not withdraw himſelf wholly from the Society? In anſwer to that, he has told you much better than I can, as he can, indeed, tell you any thing much better, that as he conſidered the propoſition not to be criminal or illegal, he did not feel himſelf at liberty to abandon a laudable purſuit by breaking up or dividing the Society, for mere difference of opinion with reſpect to the mode of obtaining it. This conduct was manly and honourable, and if by no means ſtands upon Mr. Tooke's aſſertion: the fact, and

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a moſt important one it is, reſts upon evidence, and not upon *our* evidence (for our ſeaſon of giving it is not yet arrived), but upon the evidence *relied on by the Crown for the eſtabliſhment of guilt*; and which therefore muſt be wholly adopted, or wholly rejected.

It will appear further, and more diſtinctly, that Mr. Tooke perſiſted in his reſolution; that he was a total ſtranger to their proceedings; that the Committee of Correſpondence, of which he objected to be a member, never met; and that the only reaſon why his name ſtands as a member of the Committee of Correſpondence, which he not only did not aſſent to, but the formation of which he never knew, was, that it was reſolved, in his abſence, that the Committee which had before been appointed to *confer*, ſhould alſo be a Committee to *co-operate*; and of ſo little account was this ſame Committee, that Mr. Adams, when examined for the Crown (though Secretary of the Society), declared, upon his oath, that he never had heard of it until he read it out of the book, as a witneſs in the Court.

It is evident, therefore, that the great ſubſtantive leading overt-act in the indictment, viz. the conſpiracy to hold a Convention to ſubvert the Government, to which all the other charges are undoubtedly ſubſervient, is not only not brought home to the honourable gentleman at the bar, but appears to be without foundation altogether; and it is equally evident, by the conduct of the Crown, that *they* think ſo; for, if they had proved their charge by the evidence of the facts which belonged to it, their taſk was finiſhed; and all matter, collateral or foreign, would not only have been irrelavant, but injurious to the proſecution; but, conſcious that the traitorous intention could neither be legally nor rationally collected from any one fact appertaining to the ſubject in agitation, they have heaped matter upon matter on his head, from various quarters, totally diſconnected with the charge, and with one another, in order that theſe tranſactions, though ſingly neither Treaſon, nor any other crime, might, when tacked together, amount to whatever might be found neceſſary to deſtroy him. In this manner that unfortunate ſtateſman, Lord Strafford, was ſacrificed; but the

ſhameful violation of the law of England, which alone could have ſupported his condemnation, has ever been ſpoken of with deteſtation by every lawyer, of whatever party, who has lived ſince his trial. And what is the next evidence of its turpitude and illegality, has been conſidered as a blot in the page of Engliſh hiſtory, by hiſtorians of all parties and opinions. Mr. David Hume, a man not to be named as a compiler of mere facts, but as a profound politician and philoſopher, ſpeaks of it in the manner which I will read to you, notwithſtanding his leaning to high and arbitrary principles of Government. In his ſixth volume, page 431, ſpeaking of Lord Strafford's attainder, he ſays, "As this ſpecies of Treaſon, *diſcovered* by the Commons," (the Commons have alſo the merit of diſcovering this) "is entirely new and unknown to the laws; ſo is the ſpecies "of proof by which they pretend to fix that guilt upon the priſoner. They have invented a kind of *accumulative* or *conſtructive* evidence, by which many actions, either totally innocent in themſelves, or criminal in a much inferior degree, "ſhall, when united, amount to Treaſon, and ſubject the perſon to the higheſt penalties inflicted by the law. A haſty "and unguarded word, a raſh and paſſionate action, aſſiſted by "the malevolent fancy of the accuſer, and tortured by doubtful "conſtructions, is tranſmuted into the deepeſt guilt; and the "lives and fortunes of the whole nation, no longer protected "by juſtice, are ſubjected to arbitrary will and pleaſure."

Gentlemen, it may be ſaid that the ſhameful caſe I have cited is not like the preſent. Certainly it is not—For the unguarded words which the hiſtorian reprobates the enhancing into Treaſon, were the unguarded words of Lord Strafford himſelf; the raſh writings, were *his* writings; and the paſſionate actions were *his own*. But what is accumulated and lifted up into Treaſon againſt the priſoner to-day, are the unguarded words, the raſh writings, and the paſſionate actions of *others*; of ſome with whom he differed; of many whom he never ſaw; and moſtly of thoſe to whoſe very exiſtence he was a ſtranger.

Gentlemen, I have no fears for my client; but in what language ſhall I ſpeak of this dreadful principle for the benefit of

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my Country. I will ſpeak of it in the language of the innocent victim to them. In the eloquent words of Lord Strafford himſelf upon his trial.

"Where has this ſpecies of guilt lain ſo long concealed" ſaid Strafford in concluſion: "Where has this fire been ſo long "buried, during ſo many centuries, that no ſmoke ſhould ap- "pear till it burſt out at once, to conſume me and my chil- "dren? Better it were to live under no law at all, and, by the "maxims of cautious prudence, to conform ourſelves, the beſt "we can, to the arbitrary will of a maſter; than fancy we have "a law on which we can rely, and find at laſt, that this law "ſhall inflict a puniſhment precedent to the promulgation, and "try us by maxims unheard of till the very moment of the pro- "ſecution. If I fail on the Thames, and ſplit my veſſel on an "anchor; in caſe there be no buoy to give warning, the party "ſhall pay me damages: but if the anchor be marked out, then "is the ſtriking on it at my own peril. Where is the mark ſet "upon this crime? Where the token by which I ſhould diſ- "cover it? It has lain concealed, under water; and no human "prudence, no human innocence, could ſave me from the de- "ſtruction with which I am at preſent threatened.

"It is now full two hundred and forty years ſince Treaſons "were defined; and ſo long has it been ſince any man was "touched to this extent, upon this crime, before myſelf. We "have lived, my Lords, happily to ourſelves at home: we have "lived glorioufly abroad to the world: let us be content with "what our fathers have left us: let not our ambition carry us "to be more learned than they were, in theſe killing and de- "ſtructive arts. Great wiſdom it will be in your Lordſhips, "and juſt providence for yourſelves, for your poſterities, for the "whole kingdom, to caſt from you, into the fire, theſe bloody "and myſterious volumes of arbitrary and conſtructive Trea- "ſons, as the primitive chriſtians did their books of curious "arts, and betake yourſelves to the plain letter of the ſtatute, "which tells you where the crime is, and points out to you the "path by which your may avoid it.

"Let us not, to our own deſtruction, awake thoſe ſleeping lions,

" by rattling up a company of old records, which have lain for " ſo many ages by the wall, forgotten and neglected. To all " my afflictions, add not this, my Lords, the moſt ſevere of " any; that I, for my other ſins, not for my Treaſons, be the " means of introducing a precedent ſo pernicious to the laws " and liberties of my native Country.

" However, theſe gentlemen at the bar ſay they ſpeak for the " commonwealth; and they believe ſo: yet, under favour, it is " I who, in this particular, ſpeak for the commonwealth. Pre- " cedents, like thoſe which are endeavoured to be eſtabliſhed " againſt me, muſt draw along ſuch inconveniences and miſe- " ries, that, in a few years, the kingdom will be in the condi- " tion expreſſed in a ſtatute of Henry IV. and no man ſhall know " by what rule to govern his words and actions."

Proud, as I am, of being a ſubject of this Country, my duty compels me to remind you, that all this ſplendour of truth and eloquence, were unavailing before an abandoned tribunal, which had ſuperſeded all the rules of law, and the ſober reſtraints of juſtice, and which could liſten unmoved to even theſe concluding words: " My Lords, I have troubled your Lordſhips a great " deal longer than I ſhould have done. Were it not for the in- " tereſt of theſe pledges, which a ſaint in Heaven left me, I " ſhould be loth"—Here, ſays the hiſtorian, he pointed to his children, and his weeping ſtopped him—And if I were to attempt to proceed further in this melancholy page, my tears would ſtop me alſo.

But let us look to what followed from theſe proceedings;—they were condemned and reverſed, and ſtand recorded as a beacon to future generations. The act recites, " That the tur- " bulent party ſeeing no hopes to effect their unjuſt deſigns by " ordinary way or method of proceedings, did at laſt reſolve to " attempt the deſtruction and attainder of the ſaid Earl, by an " Act of Parliament to be therefore purpoſely made to condemn " him *upon accumulative Treaſon. None of the pretended crimes* " *being Treaſon apart, and ſo could not be* IN THE WHOLE, if " they had been proved, as they were not. Therefore it is en- " acted, that all records and proceedings relating to the ſaid

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" tainder be wholly cancelled, and taken off the file, to the in-
" tent that the ſame may not be viſible in after ages, or brought
" into example, to the prejudice of any perſon whatſoever."

A ſimilar fate attended the attainders of Lord Ruſſell and Sydney, and will, ſooner or later, attend every flagrantly unjuſt judgment, whilſt England preſerves her free Conſtitution. And, therefore, notwithſtanding the ridiculous figure too frequently made by modern prophets, whoſe prophetic writings remain unfulfilled after the period of their fulfilment, I will hazard this public prediction—That long, long before one half of the audience which fills theſe benches, ſhall, by the courſe of nature, be called from the world, theſe very judgments in Scotland, which, more than any thing elſe, have produced the preſent trial, will be ſtigmatized, repealed, and, with indignation reverſed; not by violence, or in irregular Convention, but in the ordinary legal forms of a Britiſh Parliament.

The Attorney General will perhaps ſay, that the collateral facts are not eſtabliſhed in order to be accumulated into guilt, as in the caſe of Lord Strafford; that he diſavows (which I admit, to his honour, he moſt diſtinctly did) all accumulations and conſtructive Treaſons, but that he eſtabliſhes them to manifeſt the intention which led to the tranſaction charged upon the record.—Be it ſo provided, they *do* lead diſtinctly to that manifeſtation. But let us ſhortly examine them, and then, if the rules of the Court would permit me, I would not only aſk of you twelve men, but of every man, aye, and of every woman within the reach of my voice, whether they would kill a fly upon them; yet you are aſked to devote to deſtruction upon them the honourable gentleman who now ſtands before you.

The collateral facts, as my memory ſerves me to recollect them, and from whence the traitorous intention is to be inferred, are, that Mr. Tooke contributed to the circulation of the works of Thomas Paine, containing groſs matter againſt the Monarchy of the Country; that he conſented to ſend a congratulatory addreſs to the Convention of France; that he was privy to the approbation of Mr. Joel Barlow, who had delivered this congratulation at Paris; and laſtly, that he had himſelf written a letter

to the Preſident of the Convention, offering to ſubſcribe 4000 livres towards carrying on the war then exiſting between the ſtates of Europe and France, even though part of it, in the event, ſhould happen to be applied when this Country ſhould be involved in the ſame conteſt.

Gentlemen, though I feel myſelf very much exhauſted, I have ſtrength enough left juſt to touch upon theſe matters in their order.

With regard to the firſt, I am ſurpriſed that the hiſtory of Mr. Paine's writings, and the approbation they met with, as connected with the new Conſtitution of France, are ſo very little underſtood; and it is neceſſary to underſtand it, to account for the aſſent and encouragement which many perſons, attached to the free Conſtitution of Great Britain, were *forced* to beſtow upon many parts of a work, though written undoubtedly by an author who was an enemy to its principles.

Gentlemen, it happened that when France threw off the galling yoke of arbitrary Monarchy, which had been attended with ſuch infinite evils to herſelf, and which had produced ſo many calamities to Great Britain, a very general exultation pervaded this Country: and ſurely it was a natural theme of exultation to the inhabitants of a country which had given light and freedom for ages to the world, to ſee ſo large a portion of the human race ſuddenly emancipated from a bondage not only ignominious to France but dangerous to this Iſland. They recollected the deſolating wars which her ambition had lighted up, and the expenſive burthens which our reſiſtance to them had entailed upon us; they felt alſo, in the terrible diſaſters of France, a juſt pride in the wiſdom of our forefathers, and a wholeſome leſſon to the preſent age and poſterity not to degenerate from their example. They ſaw France falling a victim to the continuation and multiplication of thoſe abuſes in Government, which our wiſe progenitors had perpetually mitigated, by temperate and ſalutary reformations; and they ſaw, therefore, nothing to fear from the contagion of her diſorders: her arbitrary ſtate, her ſuperſtitious church, had undergone no alterations; and for want of thoſe repairs which the edifices of civil life equally require with material ſtructures, they crumbled ſud-

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denly into duſt; whereas, by the fortunate coincidence of accident, as much as by the exertions of wiſdom and virtue, *our* condition had been ſlowly and progreſſively meliorated; our civil power had been tempered and moderated, and our religion purified and reformed; the condition of civil life had changed and bettered under their influence, and the Country had ſtarted up even amidſt revolution with ſuperior ſecurity and illuſtration.

Gentlemen, theſe reflections were not merely the ſilent, but the avowed expreſſions of ſome of the firſt perſons in England, on the firſt burſt of the French Revolution; and, I verily believe, the ſame ſenſations diffuſed themſelves widely throughout the Kingdom.

Very unfortunately, Gentlemen, for France, for England, for Europe, and for humanity, this ſenſation, the natural reſult of freedom and independence, was not univerſally felt; very unfortunately the powers of Europe would not yield to an independent nation the common right of judging for itſelf in its own concerns, nor in prudence leave to it the good and evil of its own Government. All Europe combined againſt France, and levied war againſt her infant Conſtitution. The deſpots of the earth, with whom the King of Great Britain had no common intereſt, trembling for their own rotten inſtitutions, and looking to the wrongs and ſufferings of their ſubjects, drew the ſword (as was natural for deſpotiſm to draw it) to diſpute the right of a people to change their ancient inſtitutions. This very combination, naturally aſſimilated with the patriotiſm of France the public ſpirit of England, ſince our own Revolution was ſupported upon no other foundation than the principle which was not only denied, but was by violence to be exterminated; and many perſons, therefore, notoriouſly attached to the Britiſh Government, expreſſed their reprobation of this conſpiracy againſt the freedom of the world.

This honeſt and harmleſs enthuſiaſm, however, met with a very ſudden, and in its conſequences an unfortunate check. A gentleman, of the firſt talents for writing in the world, compoſed a book, I am bound to believe with an honourable mind, but a book which produced a more univerſal, and more miſ-

chievous effect, than any which perhaps our own or any other times have produced.

When Mr. Burke's book upon the French Revolution was firſt publiſhed, at which period our Government had taken no active part againſt it, no man aſſimilated the changes of France to the condition of our country—no man talked of, or figured in his imagination, a Revolution in England, which had already had her Revolution, and had obtained the freedom which France was then ſtruggling to obtain. Did it follow, becauſe men rejoiced that France had aſſerted her liberty, that they thought liberty could exiſt in no other form than that which France had choſen? Did it follow, becauſe men, living under the Government of this free Country, condemned and reprobated the dangerous precedent of ſuffering the liberty of any nation to be overborne by foreign force—did it follow from thence that they were reſolved to change for the accidental and untried condition of France the ancient and tried Conſtitution of our own Country? I feel within myſelf that I can rejoice, as I do rejoice, in the liberty of France, without meaning to ſurrender my own, which, though protected by other forms, and growing out of far more fortunate conjunctures, ſtands upon the ſame baſis, of the right of a people to change their Government and be free. Can any man in England deny this? Yes, Gentlemen, Mr. Burke has denied it; and that denial was the origin of Mr. Paine's Book. Mr. Burke denied POSITIVELY AND IN TERMS that France had any right to change her own Government, and even took up the cudgels for all the deſpots of Europe, who, at the very time, were levying a barbarous, ſcandalous, and oppreſſive war, to maintain the ſame propoſition by the ſword.

This work, brought forward again after a long ſilence, Mr. THOMAS PAINE, who was indeed a Republican beyond all queſtion, but who had become ſo in conſequence of the ſame corrupt and ſcandalous attempt to beat down by force the liberties of a nation; he became a Republican in conſequence of the ſimilar and lamentable conteſt between Great Britain and America; and it is rather a curious circumſtance, that THIS VERY Mr. BURKE, who conſiders Mr. Paine as a man not to be rea-

ſented with, but only to be anſwered by criminal juſtice, and who condemns as a traitor every man who attempts to name him, HIMSELF expreſſed his approbation of the very ſame doctrines publiſhed by Mr. Paine, when Mr. Burke himſelf was pleading the cauſe of a nation determined to be free; not the cauſe of a foreign nation which had always been independent, but the cauſe of colonial America, in open war and rebellion againſt the Crown and Parliament of Great Britain. Mr. Paine, during the ſame criſis, wrote his book called Common Senſe, addreſſed to the Americans in arms againſt England, exciting her to throw off the yoke of the mother Country, and to declare her independence.

Gentlemen, from having defended Mr. Paine upon his trial for writing his later work, which Mr. Tooke is accuſed of having approved, I am, of courſe, intimately acquainted with its contents, and with thoſe of his former writings, and I take upon me to ſay, that every offenſive topic againſt Monarchy, and all the principles of the Rights of Man, now regarded with ſuch horror, are ſubſtantially, and in many inſtances almoſt verbatim, to be found in the former publication.

When Mr. Paine wrote his Common Senſe, Acts of Parliament had declared America to be in a ſtate of rebellion, and England was exerting every nerve to ſubdue her; yet, at that moment, Mr. Burke, not in his place in Parliament, where his words are not to be queſtioned, but in a pamphlet publicly circulated, ſpeaks of this book, Common Senſe, by name, notices the powerful effect it had upon the mind of America, in bringing them up to emancipation, and acknowledges, that if the facts aſſumed by the author were true, his reaſonings were unanſwerable.

In the ſame pamphlet, ſeveral parts of which I have ſtated to the former Jury, he declared, that he felt every victory obtained by the King's arms againſt America as a blow upon his heart; he diſclaimed all triumph in the ſlaughter and captivity of names which had been familiar to him from his infancy; and, with all the ſplendour of his eloquence, expreſſed his horror that they

had fallen under the hands of ſtrangers, whoſe barbarous appellations he ſcarcely knew how to pronounce.

Gentlemen, I am not cenſuring Mr. Burke for theſe things; ſo far from it, that they ſanctify his character with me, and ever prevent me from approaching him but with reſpect. But let us, at leaſt, have equal juſtice. Whilſt theſe writings continue the object of admiration, and their author is held forth as the champion of our Conſtitution, let not Mr. Tooke ſtand a priſoner at the bar of the Old Bailey for having, in time of profound peace with France, and when every ſpeech from the Britiſh Throne breathed nothing but its continuance, expreſſed only the ſame deteſtation of the exertions of foreign deſpotiſm againſt freedom, which the other did not ſcruple, in a ſimilar cauſe, and in the time of open war, to extend to the exertions of his Country.

To expoſe further the extreme abſurdity of this accuſation, if it be poſſible further to expoſe it, let me ſuppoſe that we were again at peace with France, whilſt the other nations who are now our allies ſhould continue to proſecute the war:—Would it then be criminal to congratulate France upon her ſucceſſes againſt them? When that time arrives, might I not honeſtly wiſh the triumph of the French arms? and might I not lawfully expreſs that wiſh? I know certainly that I might, and I know alſo that I would.——I obſerve that this ſentiment ſeems a bold one; but who is prepared to tell me I ſhall not? I WILL aſſert the freedom of an Engliſhman; I WILL maintain the dignity of man; I WILL vindicate and glory in the principles which raiſed this Country to her pre-eminence amongſt the nations of the earth; and as ſhe ſhone the bright ſtar of the morning, to ſhed the light of liberty upon nations which now enjoy it, ſo may ſhe continue in *her radient ſphere*, to revive the ancient privileges of the world, which have been loſt, and ſtill to bring them forward to tongues and people who have yet never known them in the myſterious progreſſion of things.

It was the denial of theſe Rights of Men, which Engliſhmen had been the firſt to aſſert, that provoked Mr. Paine to write his

book

book upon the French Revolution, but which was written when we were not only at peace with France, but when ſhe was holding out the arms of friendſhip to embrace us. We have ſubpœned the officer of the Houſe of Lords to attend with the correſpondence between Lord Grenville and Mr. Chauvelin, long, long after that period, in which you will find an abſolute denial of enmity, and profeſſions of peace and friendſhip, the ſincerity of which declarations had been uniformly experienced by our countrymen in France, who had been received with affection, cordiality, and reſpect. I admit that the work of Paine contained at the ſame time ſtrong and coarſe reflections againſt the ſyſtem of the Britiſh Government; but Mr. Tooke not only diſapproved of thoſe parts of the book, but expreſſed his diſapprobation of them to the author; he repeatedly argued with him the merits of our Government, and told him plainly that he had disfigured his work by the paſſages which applied to England, and which were afterwards ſelected for proſecution. Is it fair to pronounce then, againſt the whole tenor of life and converſation, that Mr. Tooke approved of the deſtruction of Monarchy, becauſe he promoted the circulation of a book, nine-tenths of which was wholly collateral to the ſubject, and which contained important and valuable truths, conſiſtent with, and even tending to its preſervation. Only twelve pages of Mr. Paine's book were ever ſelected as inimical to the Conſtitution, whilſt above two hundred contain reflections which, if properly attended to, might ſecure it from the very attack he makes upon it in the reſt.

Let us try Mr. Burke's work by the ſame teſt. Though I have no doubt it was written with an honeſt intention, yet it contains, in my mind, a dangerous principle, deſtructive of Britiſh liberty.—What then? Ought I to ſeek its ſuppreſſion? Ought I to pronounce him to be criminal who promotes its circulation? So far from it, that I ſhall take care to put it into the hands of thoſe whoſe principles are left to my formation.—I ſhall take care that they have the advantage of doing, in the regular progreſſion of youthful ſtudy, what I have done even in the ſhort intervals of laborious life;—that they ſhall tranſcribe with their own hands from all the works of this moſt extraordinary perſon, and

from

from the laſt, amongſt the reſt, the ſoundeſt truths of religion, the juſteſt principles of morals, inculcated and rendered delightful by the moſt ſublime eloquence, the higheſt reach of philoſophy brought down to the level of common minds, by the moſt captivating taſte, the moſt enlightened obſervations on hiſtory, and the moſt copious collection of uſeful maxims, from the experience of common life; all this they ſhall do, and ſeparate *for themſelves* the good from the evil, taking the one as far more than a counterpoiſe to the other.

Gentlemen, Mr. Tooke had an additional and a generous motive for appearing to be the ſupporter of Mr. Paine—the Conſtitution was wounded through his ſides—I bluſh, as a Briton, to recollect, that a conſpiracy was formed amongſt the higheſt orders, to deprive this man of a Britiſh trial: this is the clue to Mr. Tooke's conduct, and to which, if there ſhould be no other witneſs, I will ſtep forward to be examined—I aſſert that there was a conſpiracy to ſhut out Mr. Paine from the privilege of being defended: he was to be deprived of Counſel; and I, who now ſpeak to you, was threatened with the loſs of office, if I appeared as his advocate—I was told, in plain terms, that I muſt not defend Mr. Paine—I did defend him, and I did loſe my office.

It was upon this occaſion that Mr. Tooke interfered—Mr. Paine was not in circumſtances to ſupport the expence of his trial, and Mr. Tooke became a ſubſcriber to his defence, though he differed from him, as I have told you, in the application of his principles to the Britiſh Government, and had both publicly and privately expreſſed that difference. That Mr. Tooke's approbation of Mr. Paine's work, and of the French Revolution, were founded upon no diſguſt to our own Conſtitution, was manifeſted in the moſt public manner, at the very ſame period.

A meeting was held at the Crown and Anchor, not called by Mr. Tooke, but at which he was preſent, to celebrate the firſt anniverſary of the French Revolution, where a noble Lord (Earl Stanhope) was in the chair, and a motion was made "That "this meeting does moſt cordially rejoice in the eſtabliſhment

"and

" and confirmation of Liberty in France, and that it beholds, " with peculiar ſatisfaction, the ſentiments of amity and good " will which appear to pervade the people of that country to- " wards this, eſpecially at a time when it is the manifeſt intereſt" (*as God knows it is*) " of both ſtates, that nothing ſhould inter- " rupt the harmony between them, which is ſo eſſential to the " freedom and happineſs, not only of both nations, but of all " mankind." Mr. Horne Tooke—and I do not think, after I have read this, that I ſhall be ſuffered to go on making any more remarks on this part of the ſubject, becauſe it is a key of the whole.—Mr. Horne Tooke begged that the Honourable Gentleman, who was the mover, would add to his motion ſome qualifying clauſe, to guard againſt miſunderſtanding and miſrepreſentation; that there was a very wide difference between England and France; that the ſtate veſſel of France had been not only tempeſt beaten, and ſhattered, but abſolutely bulged; whereas, in England, we had a noble, ſtately, and ſound veſſel, ſailing proſperouſly upon the boſom of the ocean; that it was true, after ſo long a courſe, ſhe might, upon examination, appear ſomewhat foul at the bottom, and require ſome neceſſary repairs, but that her main timbers were all ſound.—He therefore regretted, that there ſhould be an addition to the motion, but that, if that addition was not made, he ſhould move it himſelf—accordingly, he did move in public, " that this meeting feel equal ſatisfaction, " that the people of England, by the virtuous exertions of their " anceſtors, have not ſo hard a taſk to perform as the French are " engaged in, but have only to maintain and improve the Con- " ſtitution which their anceſtors have tranſmitted to them."—When Mr. Tooke moved this amendment, he did it in THE FACE OF THE WHOLE COUNTRY, and publiſhed, of courſe, to all mankind, thoſe opinions, which I will prove to have been uniformly his—if indeed it is neceſſary to prove them, when the Attorney-General has been ſo liberally waſting his ſtrength in proving them, for the laſt three days. Mr. Tooke, when he propoſed this motion, was acting upon the ordinary principle of his life, which, for his own ſatisfaction, rather than for yours, I ſhall prove from year to year. I will take him up in the year

1780

1780, and bring him down to the very time when he comes to your bar, and ſhew that he has ever been ſtedfaſt in favour of the pure, uncorrupted Conſtitution of Great Britain, but a mortal enemy to its abuſes.

This diſpoſition is ſo far from being dangerous to public tranquillity, that it is its ſureſt and its beſt ſupport. Would you prevent the infection of French Government from reaching this Country, give to the People the practical bleſſings of their own. It is impoſſible to ſubdue the human mind by making war againſt opinions; it may ſucceed for a ſeaſon, but the end thereof is death: Milton has truly ſaid, that a forbidden book is a ſpark of truth that flies up in the face of him who ſeeks to tread it out; and that a Government which ſeeks its ſafety in the ſuppreſſion of the preſs by ſanguinary penalties, is like the gentleman who heightened the wall of his park to keep out the crows—the human mind cannot be impriſoned; it is impaſſive and immortal.

Reform, therefore, the abuſes which obſcure the Conſtitution, and I will anſwer for its ſafety; and, above all other things, let men feel and enjoy the impartial protection of mild and equal laws. Thanks be to God we have lately felt and enjoyed them in this place, and our Conſtitution ſtands the firmer from the event; whilſt in other countries, at the ſame moment, the dominion of perſecution and terror has made revolution follow upon revolution, and filled the earth with blood and deſolation.

Gentlemen, I will now lay before you Mr. Tooke's political ſentiments, when they could not poſſibly be written to ſerve a purpoſe; and I hope his Lordſhip will permit Mr. Gibbs to read it, as my voice and ſtrength begin to fail me.

Lord Chief Juſtice Eyre. What is it?

Mr Erſkine. A piece of evidence I have to offer. I am too much exhauſted to read it.

Lord Chief Juſtice Eyre. If you wiſh to refreſh yourſelf, ſit down, we will wait patiently; but we ſhould know what it is.

Mr. Erſkine. I have nearly finiſhed. It is a letter written to Lord Aſhburton, who formerly, your Lordſhip knows, was the celebrated Mr. Dunning, who was engaged in a Reform of Parliament;

liament; and Mr. Horne Tooke wrote this letter to him, upon the ſubject of Parliamentary Reform, in the year 1782.

[*Mr. Gibbs here read the following extract:*]

"By the vote of the Houſe of Commons, on Tueſday laſt, "Parliament, it ſeems, do not yet think it neceſſary to take into "conſideration the ſtate of repreſentation in this Country.— "However, my Lord, notwithſtanding that vote, I am ſtill "ſanguine enough to believe, that we are at the eve of a "peaceful Revolution, more important than any which has hap- "pened ſince the ſettlement of our Saxon anceſtors in this "Country; and which will convey down to endleſs poſterity all "the bleſſings of which political ſociety is capable.

"My Lord, my expectations are greatly raiſed, inſtead of "being depreſſed, by the objections which were urged againſt "Mr. Pitt's motion.

"One gentleman ſays, '*He cannot ſee any good purpoſe the* "*motion would anſwer: for it would not aſſiſt Government with* "*a ſhip, a man, or a guinea, towards carrying on the war with* "*vigour, or towards eſtabliſhing that much wiſhed-for object,* "*peace.*'

"My Lord, I hope the meaſure will be made to produce to "Government both *ſhips*, and *men*, and *guineas*. For they "would be very poor politicians, indeed, who could not in one "meaſure comprehend many purpoſes: and ſtill poorer, who "ſhould miſs the preſent opportunity of obtaining, by this one "meaſure of reform, every deſirable object of the ſtate.

"Another gentleman apprehends, that '*nothing leſs than giv-* "*ing every man in the kingdom a vote, would give univerſal* "*ſatisfaction.*'

"*My Lord, I truſt that there are very few perſons in the* "*kingdom who deſire ſo improper and impracticable a meaſure.* "*But, if there were many, the wiſdom of Parliament would cor-* "*rect their plan, and the corrected would be well pleaſed at the* "*correction.*

"My Lord, I ſhall not waſte a word to ſhew the neceſſity of "a reform in the repreſentation of this Country. I ſhall only

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" conſider the mode of reform; and endeavour to ſhew that it " is not difficult to embrace every intereſt in the ſtate, and to " ſatisfy well meaning men of every deſcription. To this end I " am compelled firſt to remove the prejudices, and, indeed, *juſt* " *objections*, which ſome perſons entertain to all the modes of re- " form, which have hitherto been recommended.

" My virtuous and ineſtimable friend, Major Cartwright, is a " zealous and an able advocate for *equal* and *univerſal* repreſen- " tation; that is, for an *equal* and *univerſal* ſhare of every man " in the government. My Lord, I conceive his argument to be " this: Every man has an equal right to freedom and ſecurity. No " man can be free who has not a voice in the framing of thoſe laws, " by which he is to be governed. He who is not repreſented has " not this voice; therefore, every man has an equal right to repre- " ſentation, or to a ſhare in the government. His final concluſion " is, that every man has a right to an equal ſhare in repreſentation.

" Now, my Lord, I conceive the error to lie *chiefly* in the " concluſion. For there is a very great difference between " having *an equal right to a ſhare, and a right to an equal ſhare.* " An eſtate may be deviſed by will amongſt many perſons in " different proportions; to one five pounds, to another five hun- " dred, &c. each perſon will have an equal right to his ſhare; but " not a right to an equal ſhare.

" This principle is farther attempted to be enforced by an " aſſertion, that 'the all of one man is as dear to him, as the all " of another man is to that other.' But, my Lord, this maxim " will not hold by any means; for a ſmall all is not, for very " good reaſons, ſo dear as a great all. A ſmall all may be loſt, " and eaſily regained; it may very often, and with great wiſdom, " be riſqued for the chance of a greater; it may be ſo ſmall, as " to be little or not at all worth defending or caring for. *Ibit eo* " *qui zonam perdidit. But a large all can never be recovered;* " *it has been amaſſing and accumulating, perhaps, from father* " *to ſon for many generations; or it has been the product of a* " *long life of induſtry and talents; or the conſequence of ſome* " *circumſtance which will never return.* But I am ſure I need " not dwell upon this, without placing the extremes of fortune

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" in array againſt each other; every man whoſe all has varied " at different periods of his life, can ſpeak for himſelf, and ſay " whether the dearneſs in which he held theſe different alls, was " equal. The loweſt order of men conſume their all daily, as " faſt as they acquire it.

" My Lord, juſtice and policy require that benefit and burthen, " that the ſhare of power and the ſhare of contribution to that " power, ſhould be as nearly proportioned as poſſible. If ariſto- " cracy will have all power, they are tyrants and unjuſt to the " people, becauſe ariſtocracy alone does not bear the whole bur- " then. If the ſmalleſt individual of the people contends to " be equal in power to the greateſt individual, he too is in his " turn unjuſt in his demands; for his burthen and contribution " are not equal.

" Hitherto, my Lord, I have only argued againſt the *equality*; " I ſhall now venture to ſpeak againſt the *univerſality* of repre- " ſentation, or of a ſhare in the government; for the terms " amount to the ſame.

" Freedom and ſecurity ought ſurely to be equal and univer- " ſal. But, my Lord, I am not at all backward to contend that " ſome of the members of a ſociety may be *free* and *ſecure*, " without having a ſhare in the government. The happineſs " and freedom, and ſecurity of the whole, may even be ad- " vanced by the excluſion of ſome, not from freedom and ſecu- " rity, but from a ſhare in the government."

Mr. Erſkine. Theſe are Mr. Tooke's ſentiments, and they ſpeak for themſelves, without any commentary. It is very for- tunate for me, therefore, as well as for the unfortunate gentle- man whom I repreſent, that the ſubject of his defence is almoſt exhauſted, becauſe I myſelf am entirely ſo; and ſurely that cir- cumſtance muſt preſent in the ſtrongeſt colours to men of your juſtice and diſcernment, the fatal precedent of ſuch a trial; ſince even if I were capable of graſping in my mind more matter than the greateſt reach of human thought and memory could comprehend, the bodily ſtrength of the ſtrongeſt man would ſink under the delivery.

I have

I have been placed here, as you know, in a moſt arduous and anxious ſituation for many days during the late trial; I have had no opportunity of reſt in the interval, but have been called inceſſantly to the other labours of my profeſſion, and am now brought back again to the ſtake without the refreſhment which nature requires, for it muſt be a diſhoneſt mind which could feel the tranquillity neceſſary for its reception; I came into Court this morning perfectly ſubdued with fatigue and agitation, and although I know the diſpoſition of my honourable and learned friends to have left me at home, till the ſeaſon arrived for the defence of the priſoner; yet amidſt the chaos of matter which the fulfilment of their duty obliged them to lay before you, it was impoſſible for them to know, within even hours, the time I ſhould be wanted. I hope, however, that amidſt all theſe preſſures, I have been able to lay before you ſufficient information for the diſcharge of your duty to the priſoner and to the public. The matter for your conſideration is a mere matter of fact—*Has the priſoner at the bar conſpired, with others, to depoſe the King, and to ſubvert by force the Government of the Kingdom.*

The ſentiments of Mr. Tooke upon the ſubject of our excellent Government, which my learned friend, Mr. Gibbs, has juſt read to you, would in themſelves be ſufficient to expoſe the falſehood of the charge. The publication cannot be conſidered as a pretext, becauſe they have ever been uniformly ſupported by his conduct. One of the moſt honourable men in this Country now preſent, will prove to you that he acted upon theſe principles at the time he publiſhed them, and offered all his influence and exertions to promote Mr. Pitt's plan, which was then in agitation, and I will lead him on in your view day by day from that period till within a fortnight of his apprehenſion for this ſuppoſed Treaſon. Mr. Francis, a moſt honourable member of the Houſe of Commons, and one of the Society called the Friends of the People, having ſuggeſted a plan for the reform of Parliament, which appeared to him to be moderate and reaſonable, applied to Mr. Tooke, who was then ſuppoſed to be

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plotting the deſtruction of his Country, to give him his aſſiſtance upon it. Mr. Tooke's anſwer was this—" One fifth, or one " tenth, nay one twentieth part of what you are aſking will be " a ſolid benefit, and I will give it my ſupport." Mr. Francis will tell you this upon his oath, and he will add what he has told me repeatedly in private, that he grew in his eſteem from the candid and explicit manner in which he made this declaration. Mr. Sharpe has alſo proved that at the very time when all this ſcene of guilt is imputed, Mr. Tooke was uniformly maintaining the ſame ſentiments in the moſt unreſerved confidence of private friendſhip. And I can go on calling witneſs after witneſs throughout the wide extended circle of all who have ever known him, that a firm and zealous attachment to the Britiſh Government, *in its uncorrupted ſtate*, has been the uniform and zealous tenor of his opinions and conduct; yet in the teeth of this evidence of a whole life, you are called upon, on your oaths, to ſhed his blood, by the verdict you are to give in this place.

Gentlemen, I cannot conclude without obſerving that the conduct of this abuſed and unfortunate gentleman, throughout the whole of the trial, has certainly entitled him to admiration and reſpect; I had undoubtedly prepared myſelf to conduct his cauſe in a manner totally different from that which I have purſued; it was my purpoſe to have ſelected thoſe parts of the evidence only by which he was affected, and by a minute attention to the particular entries, to have ſeparated him from the reſt. By ſuch a courſe I could have ſteered his veſſel ſafely out of the ſtorm, and brought her, without damage, into a harbour of ſafety, whilſt the other unfortunate priſoners were left to ride out this awful tempeſt. But he inſiſted on holding out a rope to ſave the innocent from danger—he would not ſuffer his defence to be put upon the footing which diſcretion would have ſuggeſted. On the contrary, though not implicated himſelf in the alledged conſpiracy, he has charged me to waſte and deſtroy my ſtrength to prove that no ſuch guilt can be brought home to others. I rejoice in having been made the humble inſtrument

ſtrument of ſo much good—my heart was never ſo much in a cauſe.

You may ſee that I am tearing myſelf to pieces by exertions beyond my powers—I have neither voice nor ſtrength to proceed further—I do not, indeed, deſire to conciliate your favour, nor to captivate your judgments by elocution in the cloſe of my diſcourſe. But I conclude this cauſe, as I concluded the former, by imploring that you may be enlightened by that power which can alone unerringly direct the human mind in the purſuit of Truth and Juſtice.

[*It being now near Nine o'Clock at Night, the Court adjourned to To-morrow Morning, Nine o'Clock.*]

SESSION

SESSION HOUSE IN THE OLD BAILEY.

Thurſday, November the 20th.

PRESENT,

Lord Chief Juſtice EYRE;
Lord Chief Baron MACDONALD;
Mr. Baron HOTHAM;
Mr. Juſtice GROSE;
Mr. Juſtice LAWRENCE;
And others, his Majeſty's Juſtices, &c.

John Horne Tooke ſet to the bar.

EVIDENCE FOR THE DEFENDANT.

Major Cartwright, (ſworn.)
Examined by *Mr. Erſkine.*

Q. ARE you a member of the Conſtitutional Society, whoſe proceedings have been examined in this Court?

A. Of the Society for Conſtitutional Information, I am.

Q. How long have you been a member of that Society?

A. From its firſt inſtitution.

Q. By whom was that Society inſtituted?

A. I think Doctor Brockelſby was one of the firſt members, the late Doctor Jebb was another, Mr. Capel Loft was another.

Q. Was you one?

A. I was one.

Q. What were the objects of the aſſociation?

A. They propoſed to give to the public, Conſtitutional Information, as expreſſed in the original title of the Society, and of which the members who compoſed it thought the public were very much in need.

Mr. Tooke. My Lord Chief Juſtice, I hope I am not diſorderly, and I hope the motive of my application to you will not be miſtaken. I had prepared a very great body of evidence before I knew the courſe which this proſecution might take. I am not deſirous to introduce before this Court, and conſequently before the nation, a great deal of evidence, which I originally thought might poſſibly be neceſſary for my defence. If the Court, the Proſecutor, and the Jury, ſhould think it not neceſſary for me to go on with that body of evidence which I meant to produce, I ſhall then be very well contented not to produce it, having no other motive whatever, than to appear to do that which is barely neceſſary in my own defence, and anxiouſly wiſhing that inſtead of loſing myſelf in the opinion of others, or appearing to do from any motive that which is not neceſſary, I may confine myſelf merely and barely to that which I ought. I hope your Lordſhip will not miſunderſtand me, I cannot ſpeak more fully with propriety, but if the Court, the Proſecutor, and the Jury, do not think it abſolutely neceſſary that I ſhould go into the evidence, I am very willing to relinquiſh it; and beg I may go into the evidence by the direction of your Lordſhip.

Lord Chief Juſtice Eyre. It does not appear to me, Mr. Tooke, that it is poſſible for the Court to ſay one word upon that ſubject: all that the Court can do is, when you offer a head of evidence to ſay, whether in their judgment that head of evidence is competent to the preſent enquiry. If the proſecutor thinks fit to ſay any thing to you upon the ſubject, that is quite another conſideration, but the Court certainly cannot take upon itſelf to give any intimation or direction in any reſpect; for myſelf, individually, I have no wiſh to narrow the grounds of your defence in any manner, I ſhall wiſh that you may lay it before the Jury, in the fulleſt manner, as far as the rules of law and of evidence will permit you to do it, and I ſhall think no time miſſpent in hearing it.

Mr. Tooke. I am perfectly aware, and do not mean, I know if I did mean, I ſhould not be permitted to bring incompetent evidence; but I could do no otherwiſe than addreſs myſelf to

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the Court, perfectly satisfied with your Lordship's answer; but my address is, in fact, to the prosecutor, though I apply to your Lordship.

Mr. Attorney General. That address being made to me I think it my duty to Mr. Tooke, to inform him, that I speak at present under an impression, that when the case, on the part of the prosecutor, is understood, it has received as yet, in the opening of his Counsel, no answer; and I, therefore, desire that Mr. Tooke will understand me as meaning to state to the Jury, that I have proved the case upon the indictment.

Mr. Erskine. Then we will go into the whole case. Major Cartwright, What were the objects of that Association, that you were proceeding to state?

A. The objects of that Society were simply to give Constitutional Information to the public, particularly, and expressly, for the purpose of promoting a Parliamentary Reform for the recovery of their lost rights.

Lord Chief Justice Eyre. I am sorry to distress Major Cartwright, but I do not hear one word.

Major Cartwright. I was asked the objects of that Society, they were simply, as far as I know, to communicate Constitutional Information to the public, and particularly to promote a recovery of what they thought lost rights, particularly meaning the right of representation in the House of Commons.

Mr. Erskine. Having stated this to have been the original object, and you remaining, to this hour, a member of that Society—did the Society ever, to your knowledge, change these objects?

A. I never entertained such an idea.

Q. If there had been any deviation in the Society, from its original objects, was your attendance upon it such as that you conceive you must have known it?

A. For the last two years it has scarcely been in my power to attend at all; but I was many years in the habit of attending that Society, and never did perceive any indication whatever of changing its object, or acting upon any other principle than that upon which it set out.

Q. Did the Society, in purſuing thoſe objects which you have ſtated to have exiſted, adopt any plan or any models that had been ſet by other perſons?

A. In the out-ſet of that Society, I believe the general ſentiment of the members was in favour of Univerſal Suffrage, and Annual Parliaments—that Society was inſtituted before the Duke of Richmond brought his bill into Parliament, and before his publication of his letter to Colonel Sharman; the Duke's conduct, upon theſe two occaſions, met with the concurrence and approbation of that Society.

Q. Was the Duke of Richmond's letter to Colonel Sharman, circulated among the members of that Society?

A. Yes.

Q. And did the Duke's plan, as ſtated in that letter, receive your approbation?

A. That is a fact I cannot poſitively ſpeak to, becauſe I do not recollect the particular circumſtance, when the Duke's plan was ſo communicated, but I have no doubt at all that every member in that Society, who was in the habit of attending, or who concerned himſelf at all about the objects of that Society, did perfectly well know the nature of the plan of the Duke of Richmond's bill, as well as of his letter to Colonel Sharman.

Q. Do you remember the letter to Colonel Sharman?

A. I have read it formerly—I preſume the letter brought here is an authentic copy of it.

Mr. Erſkine. It has been proved upon both caſes, and has been authenticated upon oath here by the Duke of Richmond.

A. Reſpecting the Duke of Richmond's plan, as contained in the bill he brought into Parliament, and in his letter to Colonel Sharman, I can ſpeak from a particular knowledge of myſelf, and other gentlemen, acting upon thoſe principles, becauſe I had the honour of many converſations with the Duke of Richmond upon the ſubject, both before and after he brought in his bill, and wrote that letter.

Q. You being a member of this Society for Conſtitutional Information, and continuing to be ſo after the Duke's application to Parliament, and after the publication of his plan, did you

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continue aſſociated to carry that plan, as far as you could do it, into execution—I aſk as far as related to yourſelf, and your own opinions?

A. I continued, and I believe that the Society itſelf continued to act; I cannot pretend to ſay, that the ſole object of the Society was to act ſolely and preciſely upon the Duke of Richmond's plan; but their great object was a radical eſſential Reform in the Houſe of Commons. There was a conſiderable diverſity of opinions in that Society upon the preciſe plan that ought to be adopted, or that was moſt likely to ſucceed, ſome thought Univerſal Suffrage and Annual Parliaments, the true principles of the Conſtitution: I was one of that number, and am of that number ſtill; but, at the ſame time, I ſpeak for myſelf and other gentlemen, for whoſe ſentiments I can anſwer, that the Society for Conſtitutional Information would have thought themſelves, and their Country, very happy, if a Reform, very conſiderably ſhort of that which they conceived the rule of perfection, could have been obtained.

Q. Would you have remained, and would you ſtand up before me now remaining a member of that Society, if, from all you know of it, all you have ſeen, all you have heard, all you have obſerved, you had had reaſon to believe, or to ſuſpect, that they meant to ſubvert the Government, and to deſtroy the office, and title of the King?

A. I would have remained in that Society, let their objects be what they might, but it would have been in order to have removed men who had ſuch objects.

Q. Did you ever hear any perſon in that Society, propoſe to bring any ſuch matter to paſs?

A. Never.

Q. Until the apprehenſion of the unfortunate perſons, whoſe trials bring us into this place, had you ever heard of any ſuch diſpoſition in this Society?

A. Never in the ſmalleſt particular.

Q. Did ever any man in that Society make a motion or propoſition, or in diſcourſe ſignify an opinion of that deteſtable

nature, to deſtroy, by force, the Government, and Law of this Country?

A. Certainly not.

Mr. Erſkine. I beg your pardon for aſking you theſe queſtions, becauſe you ſeem to ſtare at me, and I do not wonder———

Lord Chief Juſtice Eyre. Aſk your queſtions without theſe obſervations.

Mr. Attorney General. I did deſire that as the priſoner and Counſel were ſitting there, that the witneſs might be ſomewhere elſe, and then that difficulty about ſtaring might be removed.

Lord Chief Juſtice Eyre. The queſtions ought to be put without theſe obſervations.

Mr. Tooke. The priſoner's back was turned to the witneſs; I have not looked in his face.

Lord Chief Juſtice Eyre. It was not addreſſed to you.

Mr. Erſkine. I will put the queſtion again, without any periphraſes, that it may be underſtood.—Did you ever, in all your attendance upon that Society, hear any formal motion made, or even any diſcourſe uttered, that went to any of the objects charged upon this indictment?

A. Certainly not.

Q. Having aſked you concerning the general objects of the Conſtitutional Society, and you having told the Court that the particular members of that Society had ſhades of differences in opinion concerning the beſt mode to be adopted, I would aſk whether you know the gentleman at the bar, Mr. Tooke?

A. I have known Mr. Tooke about ſixteen years.

Q. Has your knowledge of him been of an intimate ſort?

A. Very intimate.

Q. Has your knowledge of him been of ſo intimate a ſort as that, knowing him in private life, and being alſo a member of the ſame Society, you can inform the Court what were his principles and opinions as regarding this queſtion?

A. Mr. Tooke always appeared to me, both in his public conduct and in his private converſations, to be a ſteady, firm, inflexible friend to a Reform in the Houſe of Commons.

Q. Was

Q. Was the Reform that he was the firm, ſteady, and inflexible friend of, upon the plan which you hold in your hand, or any plan of a different nature, ſhort of that?

A. I do not know that Mr. Tooke had any particular objections to this plan, but I know that it did not concur with his particular opinions.

Q. Have you ever argued that matter with him, and found that difference of opinion in him?

A. I have.

Q. Did you find Mr. Tooke in any part of his public conduct, or in the courſe of that long intimacy which has ſubſiſted between you, a man floating between different opinions, taking up one opinion one day and another on another, or did he appear to you to be ſteady to one particular opinion?

A. Of all men I ever knew, Mr. Tooke appeared to me to be the ſteadieſt and moſt invariable in his opinions from the time that I have known him, becauſe I believe that they were formed prior to that period, and his good ſenſe never gave him occaſion to alter them.

Q. In the long courſe of the intimacy that you have before ſtated, and your acquaintance with Mr. Tooke's conduct in public, did you ever hear any thing fall from him diſreſpectful to the office of royalty in this Country?

A. Quite the reverſe; in converſing with Mr. Tooke upon ſubjects of that kind, at times, when other opinions were put abroad, I have always heard him maintain that the regal and the ariſtocratical branches of the Conſtitution of this Country were good and excellent in themſelves, and that if a Reform in the other branch of the Conſtitution, meaning the Houſe of Commons, could be obtained, that our Conſtitution then, in his opinion, would be the moſt perfect of any upon earth. I am not repeating Mr. Tooke's words, becauſe I have not a memory ſufficient for that purpoſe, but I remember that was always the impreſſion made upon my mind from his converſation.

Q. Then I underſtand you not to be ſtating what Mr. Tooke has ſaid upon any one particular occaſion, but that this is the

reſult of all that your memory furniſhes you with from his converſation?

A. Yes, for ſixteen years paſt invariably.

Q. How lately have you ſeen Mr. Tooke before he was in the Tower, when of courſe you could not ſee him without an order?

A. I do not think I have ſeen him ſince the ſpring in the year 1792.

Q. Did you in the ſpring of 1792 find any variation, or tendency to a variation, in thoſe opinions, which he had ſo long inflexibly purſued?

A. Not the leaſt: I can recollect a converſation, I believe two or three times repeated, at different times, which made an impreſſion upon my mind from a ſort of illuſtration that Mr. Tooke made uſe of, in order to ſhew that his objects did not go the ſame lengths as thoſe of Mr. Paine and others, perſons who had ſpeculated upon Government: I remember particularly his illuſtrating it by ſpeaking of perſons travelling in a ſtage-coach together: he ſaid, men may get into the ſame ſtage-coach with an intention of travelling to a certain diſtance; one man chooſes to get out at one ſtage, another at another; ſome men may want ſomething more—a Reform in the Houſe of Commons is what I want. And, ſtill purſuing his ſimile of the ſtage-coach, he ſaid—When I find myſelf at Hounſlow I get out, thoſe that want to go further may go to Windſor, or where they like; but when I get to Hounſlow (applying it to the Houſe of Commons), there I get out, no further will I go, by God.

Q. A letter has been read in evidence here from the Society for Conſtitutional Information, of which you then was, and ſtill are, a member, to the Society of gentlemen called the Friends of the People, in Frith Street, which has been attributed here to Mr. Horne Tooke, by the Counſel for the Crown; be ſo good as to ſay who wrote that letter, becauſe your Society is not a corporation?

A. Not Mr. Tooke; that I can ſay of my own perſonal knowledge, a knowledge which cannot deceive me.

Lord Chief Juſtice Eyre. I take that to be the letter which produced the anſwer from the Society of the Friends of the People, declining the intercourſe.

Mr. Erſkine. Juſt ſo, dated Free Maſons Tavern, immediately upon the inſtitution of the Society called the Friends of the People; will you juſt caſt your eye over that letter?

A. I have read this letter in the Report of the Secret Committee of the Houſe of Commons, I believe it is a true copy of the original.

Q. How came you to be ſo well acquainted with that letter?

A. I was in the chair at the time that it was ſent, and I was the perſon who ſubſcribed it as chairman.

Q. And you conſented to the ſending of it?

A. I did.

Q. What was the object of ſending it—I mean from what paſſed in the Society at the time it was ſent?

A. It had been a conſtant obſervation in the Society for Conſtitutional Information, that gentlemen in oppoſition to Government, in the Houſes of Parliament, very frequently made great profeſſions of patriotiſm, but did not always, when their own turn was ſerved, act up to the ſame principles; that letter was written as a ſerious, friendly, ſolemn warning to that new Society, which was compoſed in a conſiderable degree of members of Parliament.

Q. A warning of what ſort—for what purpoſe?

A. To guard them againſt a departure from thoſe principles which they once profeſſed friendly to the Conſtitution.

Q. Was that a general obſervation of the Society at the time they ſent the letter, or had it an application to any particular thing which either had happened, or, in their conception, might happen?

A. I conceive it was not meant to convey any perſonal reflection, as applied to particular gentlemen, at that time, but only as the reſult of thoſe obſervations that they had been in the habit of making; that ſuch had been the practice, too frequently, of gentlemen in oppoſition.

Q. I

Q. I underſtand you then to ſay, that it was not meant as a reflection upon any particular man, or number of men, but in conſequence of the obſervations and reflections of the Society upon that ſubject?

A. Juſt ſo.

Q. Was that letter then, by the Society for Conſtitutional Information, ſent to the Friends of the People, meant to convey a determination of theirs to purſue more than a Parliamentary Reform in the Houſe of Commons?

A. The letter I ſhould imagine will explain that.

Q. There have been different conſtructions put upon it; I want to know what paſſed at the time it was ſent—What was the object of the Society that ſent it?

A. Certainly not meaning any thing but a Reform in the Houſe of Commons.

Q. At the time that this letter was ſent, either upon the day it was ſent or before the day it was ſent, or at any time before it was ſent, had any thing been ſtarted, in the Society that ſent it, drawing towards any further Reform than a Reform in the Houſe of Commons?

A. No ſuch thing: I only ſpeak of my own knowledge, when I happened to be there: nor did I ever hear that any ſuch thing had ever happened.

Q. Was you a member of this new Society of the Friends of the People at the time that that letter was ſent?

A. I was.

Q. So then, if I underſtand you right, you was the chairman in the Conſtitutional Society who ſigned that letter, which was written in fact to yourſelf, and to others, in the character of the Friends of the People?

A. Yes.

Q. Then did you mean, or did the Society mean, to your knowledge, to ſignify to the Friends of the People, of which you were one, that you meant to do ſomething different from yourſelf in another place?

A. Cer-

A. Certainly not.

Q. That letter was received by the Society of the Friends of the People; after it was received, and after the anſwer was ſent, did you continue to be a member of the Society of the Friends of the People?

A. I did, and am now.

Q. Did the Society of the Friends of the People know, and do they now know, that you, who are a member of their Society, was a member of the other Society, and ſtill continue to be ſo?

A. They could not but know it, as I had ſigned that letter as chairman of the Society for Conſtitutional Information.

Q. Do you know who wrote the anſwer to the letter which is ſigned by Lord John Ruſſel?

A. I do not.

Q. Are there any other members of the Conſtitutional Society that were at that time in the ſame predicament with yourſelf, members of both Societies?

A. I cannot call to mind any juſt at this moment?

Q. Was Doctor Towers one?

A. Yes, he was one.

Q. Is not Doctor Towers now a member of the Conſtitutional Society?

A. Not having attended of late I cannot anſwer that.

Q. Upon the whole, am I to underſtand that until this which brings us into this place, the apprehenſion of the priſoner, that you neither ſaw nor heard any thing in this Society which led you to believe that any deſign againſt the Conſtitution was in agitation?

A. So far from a deſign againſt the Conſtitution, the very object of the Society was to ſupport the Conſtitution, and to reſtore it to its true principles.

Q. Did you ever hear—I do not ſpeak of a formal propoſition—but did you ever hear any moving towards force of arms or violence?

A. No.

Q. Have

Q. Have you any reaſon to believe, from any thing you ever heard, ſaw, or knew, that there was any ſuch matter in agitation?

A. I have not.

Major Cartwright,

Examined by *Mr. Tooke.*

Q. Do you recollect who had the title of Father and Founder of the Conſtitutional Society?

A. The Society did me the honour to call me their founder, though other gentlemen were originally concerned in its inſtitution with myſelf.

Q. Was you acquainted with me at the time of the formation of that Society?

A. I am pretty ſure not; I think our acquaintance commenced afterwards.

Q. Do you recollect that I was at any time, or profeſſed myſelf to be, a friend and favourer of the ſcheme of Univerſal Suffrage?

A. Certainly not.

Q. Do you recollect that I ever diſputed with you that which you thought an axiom, and the ground of all your reaſons, for Univerſal Suffrage?

A. I do.

Q. From what author was your propoſition taken upon which you grounded your plan?

A. The author which Mr. Tooke referred to, as ſuppoſing I then built upon, was Locke; and I recollect his obſerving that when I came to examine the poſition of Locke upon that ſubject—I think he called it his dogma, if I am not miſtaken—that it would not bear me out to the concluſions that I drew from it.

Q. Was I preſumptuous enough to think that Locke himſelf, in his principle, was not ſafe?

A. From the tenor of Mr. Tooke's converſation, he appeared to me to conceive that Mr. Locke was miſtaken, and that I

was

was miſtaken. I did not go ſo far into the diſcuſſion of the ſubject with Mr. Tooke as I wiſhed to do; but I waved it that time, as I did not feel myſelf ſufficiently prepared to diſcuſs ſo nice a queſtion with ſo able a man as Mr. Tooke; therefore I wiſhed to take further time for conſideration before I renewed the converſation with him, which I meant to do, but it ſo happened that I never did.

Q. Do you recollect what that propoſition was—was it this, that every man has a right to a ſhare in the Government?

A. Yes.

Q. That was the propoſition denied by me?

A. I do not recollect whether it was expreſſed in the words you now uſe, but the ſubſtance of it was as you now ſtate.

Q. If you think there is any danger, in theſe times, in anſwering the queſtion I am going to put, you will decline it—Do you recollect publiſhing an engraving with numberleſs writings round it, tending to prove theſe propoſitions, of Univerſal Suffrage, and the right of every man to a ſhare in the Government?

A. Perfectly.

Q. Do you recollect whether, diſputing the principle, I did or did not ſubſcribe, and what, to that engraving?

A. There was ſome converſation paſſed upon the ſubject; my recollection is ſo faint that I cannot pretend to give an anſwer to ſay what.

Q. From any converſations, between you and myſelf, can you, or can you not, draw any concluſions of my opinions of Mr. Paine and his writings?

A. I drew concluſions, in my own mind, from converſations that Mr. Tooke and I had upon Mr. Paine's writings.

Q. What were thoſe concluſions?

A. That Mr. Tooke by no means approved of a great part of Mr. Paine's writings; but that he thought other parts of his writings would be very beneficial, not only to this nation, but to others.

Q. Did you then think that I approved of Mr. Locke's writings?

A. Only